

adjusted-compensation certificates; to the Committee on Ways and Means.

8695. Also, petition of 100 citizens of the second Queensborough (N. Y.) district, favoring the dog exemption bill (H. R. 7884); to the Committee on the District of Columbia.

8696. By Mr. CANFIELD: Petition of A. G. Hummel, commander of the American Legion of Madison, Ind., and six other prominent citizens of Madison, Ind., urging the passage of legislation to provide a full-time, paid chaplain for every veterans' hospital, including those planned for future building; to the Committee on World War Veterans' Legislation.

8697. By Mr. CANNON: Petition of St. Charles County (Mo.) Farm Bureau, suggesting that the Federal Government through appropriations provide a market for securities of the Federal land banks and joint-stock land banks; to the Committee on Banking and Currency.

8698. By Mr. CLARKE of New York: Petition of the members of the Woman's Christian Temperance Union, of Binghamton, N. Y., urging Congress to enact a law for the Federal supervision of motion pictures, establishing higher standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

8699. Also, petition of the members of the Woman's Christian Temperance Union of Walton, N. Y., urging Congress to enact a law for the Federal supervision of motion pictures, establishing higher standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

8700. By Mr. FITZGERALD: Petitions of Frederick H. Rike, president, Rike Kumler Co.; John C. Haswell, president, Dayton Malleable Iron Co.; George W. Lane, president, Dayton Real Estate Board; Harry R. Blagg, president, Dayton Builders Exchange; John Q. Sherman, president, Standard Register Co.; George B. Smith, secretary to C. F. Kettering, vice president, General Motors Corporation, all of Dayton, Ohio; and Fred D. Connolley, executive director, Columbus (Ohio) Chamber of Commerce, protesting against Government operation of Muscle Shoals and advocating sale or lease to private operatives; to the Committee on Military Affairs.

8701. By Mr. HOOPER: Petition of residents of Battle Creek, Mich., urging Congress to enact legislation for the Federal supervision of motion pictures establishing higher moral standards before production of films that are to be licensed for interstate and international commerce as provided in the Grant-Hudson motion-picture bill (H. R. 9986); to the Committee on Interstate and Foreign Commerce.

8702. By Mr. LEA: Petition of 20 residents of Marin County, Calif., and 1 resident of Eureka, Calif., favoring passage of House bill 7884, for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

8703. By Mr. NOLAN: Petition of Mother Club, of Minneapolis, Minn., urging the enactment of law for the Federal supervision of motion pictures establishing higher standards before production of films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

8704. By Mr. SELVIG: Petition of American Legion Post, of Fergus Falls, Minn., urging the enactment of the bill providing for the immediate payment of the face value of the World War adjusted-service compensation certificates; to the Committee on Ways and Means.

8705. Also, petition of American Legion Post, of Battle Lake, Minn., favoring immediate payment of full face value of the United States World War veterans adjusted-service compensation certificates; to the Committee on Ways and Means.

8706. Also, petition of American Legion Post, of Hendrum, Minn., urging early enactment of legislation providing for payment at full face value of adjusted-service certificates; to the Committee on Ways and Means.

8707. By Mr. SHOT'T of West Virginia: Memorial of Princeton Post, No. 54, American Legion, of Princeton,

W. Va., urging the passage of House bill 3493, providing for payment to veterans of the World War the face value of their adjusted-service certificates; to the Committee on Ways and Means.

8708. By Mr. VINCENT of Michigan: Petition of more than a thousand citizens of the eighth congressional district of Michigan, urging the immediate passage of legislation for payment of adjusted-compensation certificates in cash; to the Committee on Ways and Means.

8709. Also, petition of citizens of Alma, Belding, Owosso, St. Johns, and Sheridan, Mich., urging the passage of House bill 7884, providing for the exemption of dogs for vivisection in the District of Columbia; to the Committee on the District of Columbia.

8710. By Mr. WELCH of California: Petition of citizens of the fifth congressional district, San Francisco, Calif., urging the enactment of House bill 7884; to the Committee on the District of Columbia.

8711. By Mr. WYANT: Petition of 121 members of Holy Family Branch, No. 854, Ladies' Catholic Benevolent Association, protesting against Senate Joint Resolution No. 52; to the Committee on the Judiciary.

8712. Also, petition of Irwin Ministerial Association, Irwin, Pa., urging support of Sparks-Capper amendment to Constitution, eliminating approximately 7,500,000 unnaturalized aliens in new congressional apportionment; to the Committee on the Judiciary.

8713. By Mr. YATES: Petition of Adolph Pfund, National Retail Lumber Dealers' Association, Chicago, Ill., urging the passage of Senate bill 5370; to the Committee on Ways and Means.

8714. Also, petition of W. P. Cronnell, 103 South Mason Avenue, Chicago, Ill., urging the passage of House bill 10821, relative to vocational education; to the Committee on Education.

8715. Also, petition of W. F. Hanselman, 416 Sunnyside Avenue, Elmhurst, Ill., requesting the passage of Reed-Capper educational bill; to the Committee on Education.

## SENATE

TUESDAY, JANUARY 20, 1931

(Legislative day of Monday, January 5, 1931)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	King	Sheppard
Barkley	Frazier	La Follette	Shipstead
Bingham	George	McGill	Shortridge
Black	Gillett	McKellar	Smith
Blaine	Glass	McMaster	Smoot
Borah	Glenn	McNary	Steiwer
Bratton	Goff	Metcalf	Stephens
Brock	Goldsborough	Morrison	Swanson
Brookhart	Gould	Morrow	Thomas, Idaho
Broussard	Hale	Moses	Thomas, Okla.
Bulkeley	Harris	Norbeck	Townsend
Capper	Harrison	Norris	Trammell
Caraway	Hatfield	Nye	Tydings
Connally	Hawes	Oddie	Vandenberg
Copeland	Hayden	Partridge	Wagner
Couzens	Hebert	Patterson	Walcott
Cutting	Heflin	Phipps	Walsh, Mass.
Dale	Howell	Pine	Walsh, Mont.
Davis	Jones	Pittman	Watson
Deneen	Kean	Reed	Wheeler
Dill	Kendrick	Robinson, Ark.	Williamson
Fess	Keyes	Schall	

Mr. BROUSSARD. I wish to announce that my colleague the senior Senator from Louisiana [Mr. RANDELL] is necessarily detained from the Senate by illness.

Mr. WATSON. My colleague the junior Senator from Indiana [Mr. ROBINSON] is necessarily detained on account of illness in his family. I ask that this announcement may stand for the day.



Mr. FESS. I was requested to announce that the Senator from Colorado [Mr. WATERMAN] is detained in the Committee on Claims.

The PRESIDENT pro tempore. Eighty-seven Senators having answered to their names, there is a quorum present.

#### AMENDMENT OF THE PUBLIC BUILDINGS ACT

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a proposed draft of legislation to amend and repeal certain provisions of the act of May 25, 1926, as amended, known as the public buildings act, which, with the accompanying paper, was referred to the Committee on Public Buildings and Grounds.

Several Senators addressed the Chair.

The PRESIDENT pro tempore. The Senator from Oklahoma [Mr. THOMAS] is entitled to the floor.

Mr. THOMAS of Oklahoma. I yield until the preliminary morning business shall have been completed. I should like then to be recognized.

#### PETITIONS

Mr. BROOKHART presented a petition of sundry citizens of Burlington, Iowa, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens, being World War veterans and members of the Iowa Soldiers' Home, praying for the passage of the so-called Patman bill, providing for the immediate payment of adjusted-service certificates of ex-service men, which was referred to the Committee on Finance.

Mr. COPELAND presented petitions numerous signed by sundry citizens of Long Island, in the State of New York, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

#### COMMUNIST ACTIVITIES IN AMERICA

Mr. COPELAND presented a resolution adopted by East End Council, No. 101, Junior Order United American Mechanics, of Brooklyn, N. Y., which was referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

EAST END COUNCIL, No. 101,  
JUNIOR ORDER UNITED AMERICAN MECHANICS.  
Brooklyn, N. Y., January 19, 1931.

HON. ROYAL S. COPELAND,  
Senate Building, Washington, D. C.

HONORABLE SIR: Whereas we have learned from reliable sources that there exists within our country an organized movement generally known as communists; and

Whereas the said communists advocate among their principles and aims the hatred of God and all forms of religion and the destruction of all forms of representative and democratic governments, including civil liberties, and as the final objective world revolution and the dictatorship of the so-called proletariat into one union of the socialist republics with the capital at Moscow; and

Whereas we are an organization composed of native-born, God-fearing Americans, born with the spirit of the fathers of our country and pledged to support its Constitution, defend its flag, and uphold our free public-school system, and defend our country against its enemies; and

Whereas we believe the communistic activities are un-American and contrary to good government and that the further activities and growth of this movement are a detriment to peace in our industries and the safety of the general public: Therefore be it

Resolved by East End Council, No. 101, Junior Order United American Mechanics, in their regular meeting January 12, 1931, That we urge and petition President Hoover, the Secretary of Labor, and the Congress of the United States to take the necessary action to curb the communist activities and teachings that are opposed to our flag, Constitution, and institutions.

Respectfully submitted.

FRANK N. LORD, Councilor.

Attest:

ROBERT ELLIOTT, Jr.,  
Recording Secretary.

#### REPORTS OF COMMITTEES

Mr. SMITH. From the Committee on Agriculture and Forestry I report back favorably without amendment the joint resolution (S. J. Res. 234) making applicable for the year 1931 the provisions of the act of Congress approved

March 3, 1930, for relief to farmers in the flood and/or drought stricken areas. I want to state that on to-morrow I will submit a report (No. 1323) to accompany the joint resolution.

The PRESIDENT pro tempore. The joint resolution will be placed on the calendar, and the report will be printed and filed when received.

Mr. JONES, from the Committee on Appropriations, to which was referred the bill (H. R. 15592) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and for prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1931, and for other purposes, reported it with amendments and submitted a report (No. 1324) thereon.

Mr. STEIWER, from the Committee on the Judiciary, to which was referred the bill (H. R. 14255) to expedite the construction of public buildings and works outside of the District of Columbia by enabling possession and title of sites to be taken in advance of final judgment in proceedings for the acquisition thereof under the power of eminent domain, reported it without amendment and submitted a report (No. 1325) thereon.

Mr. FLETCHER, from the Committee on Banking and Currency, to which was referred the bill (H. R. 12063) to amend section 16 of the Federal farm loan act, reported it with amendments and submitted a report (No. 1326) thereon.

Mr. NORBECK, from the Committee on the Library, to which was referred the bill (H. R. 5271) authorizing the Secretary of the Interior to acquire land and erect a monument at the site near Crookston, in Polk County, Minn., to commemorate the signing of a treaty on October 2, 1863, between the United States of America and the Chippewa Indians, reported it without amendment and submitted a report (No. 1327) thereon.

Mr. BINGHAM, from the Committee on Territories and Insular Affairs, to which was referred the bill (S. 5621) to provide a government for American Samoa, reported it without amendment and submitted a report (No. 1328) thereon.

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FESS:

A bill (S. 5782) to extend the times for commencing and completing the construction of a bridge across the Maumee River, at or near its mouth, in Lucas County, Ohio (with accompanying papers); to the Committee on Commerce.

By Mr. WALSH of Montana:

A bill (S. 5783) to amend the act approved March 2, 1929, entitled "An act to authorize the disposition of unplatted portions of Government town sites on irrigation projects under the reclamation act of June 17, 1902, and for other purposes"; to the Committee on Irrigation and Reclamation.

By Mr. KENDRICK:

A bill (S. 5784) granting a pension to Jim Bailey (with accompanying papers); to the Committee on Pensions.

By Mr. BROCK:

A bill (S. 5785) for the relief of Milton Lockhart;  
A bill (S. 5786) for the relief of Joseph C. Looney; and  
A bill (S. 5787) for the relief of J. Walter Smith; to the Committee on Military Affairs.

By Mr. WAGNER:

A bill (S. 5788) for the relief of Francis Stephen Smith; to the Committee on Naval Affairs.

By Mr. KEAN:

A bill (S. 5789) for the relief of the United States Hammered Piston Ring Co.; to the Committee on Claims.

By Mr. DALE:

A bill (S. 5790) granting an increase of pension to Nellie Muzzey (with accompanying papers); to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 5791) granting a pension to Mary K. Taylor (with accompanying papers); to the Committee on Pensions.



By Mr. BARKLEY:

A bill (S. 5792) granting an increase of pension to William Hibbard; to the Committee on Pensions.

By Mr. WHEELER:

A bill (S. 5793) granting a pension to John Mohrherr; to the Committee on Pensions.

By Mr. REED:

A bill (S. 5794) to amend the act entitled "An act making eligible for retirement under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War"; to the Committee on Military Affairs.

#### AMENDMENT OF THE COPYRIGHT ACTS

Mr. SMOOT submitted an amendment intended to be proposed by him to the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the convention of Berne for the protection of literary and artistic works, which was referred to the Committee on Patents and ordered to be printed.

#### INVESTIGATION OF SENATORIAL CAMPAIGN EXPENDITURES

Mr. NORRIS. Mr. President, I submitted a Senate resolution several days ago proposing to amend Senate Resolution 215, by which a committee was appointed to investigate campaign expenditures. The resolution has gone over under the rule. I understand that we are to have an adjournment this evening and that it will automatically come up tomorrow. I desire to modify my resolution somewhat, and I therefore ask—I presume I have the privilege without asking—to submit a modified form of that resolution for printing, so that Senators may have it on their desks tomorrow when it shall come up.

The PRESIDENT pro tempore. The Senator from Nebraska may not modify the resolution while it is not before the Senate, but, by unanimous consent, the request which the Senator makes will be granted.

Mr. ROBINSON of Arkansas. I suggest that the resolution be read.

Mr. NORRIS. Does the Senator desire it read as modified?

Mr. ROBINSON of Arkansas. Yes.

Mr. NORRIS. I have no objection to that. I shall be glad to have the clerk read it.

The PRESIDENT pro tempore. The clerk will read the resolution as modified.

The Chief Clerk read the resolution (S. Res. 406) as modified, as follows:

*Resolved*, That the special committee of the Senate to investigate campaign expenditures, created under authority of S. Res. 215, adopted April 10, 1930, is hereby further authorized and empowered, in the furtherance of the duties provided for in said S. Res. 215, to take possession of ballots and ballot boxes, including poll lists, tabulation sheets, or any other records contained within said boxes, and to impound the same for examination and consideration by said committee or any other committee of the Senate which has jurisdiction of the subject matter of any contest for a seat in the Senate.

The PRESIDENT pro tempore. The resolution will be printed and lie on the table.

#### THE WORLD'S RADIO BILL

Mr. DILL. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Martin Codel, entitled "The World's Radio Bill; Who Foots It, and How." The article contains some very interesting statistics as to the manner in which radio is handled in other countries and how it is paid for.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### THE WORLD'S RADIO BILL; WHO FOOTS IT, AND HOW

By Martin Codel

WASHINGTON, January 17.—All factors considered, it cost the broadcasters \$2.96 per set per year to furnish you with radio programs. It costs you \$27.84 per year to operate your radio-receiving set.

These averages are struck by Lawrence D. Batson, of the electrical engineering division of the United States Department of Commerce, in his Review of 1930 Radio Markets of the World just

off the Government presses. The figures are based on world broadcasting and reception, which Mr. Batson finds represent an expense of nearly \$750,000,000 annually.

Scarcely a corner of the world is out of reach of one or another of the 1,250 broadcasting stations of the world, of which nearly half are in the United States, according to Mr. Batson's review. Yet there are only about 24,000,000 broadcast receivers of all kinds and types in use all over the world. They represent, he says, an investment of about \$1,500,000,000. The investment in the broadcasting stations of the world aggregates nearly \$29,000,000, and the annual cost of broadcasting is given as nearly \$72,000,000.

It would take 380,000,000 sets to equip all the homes in the world that are within constant-listening range of broadcasting stations, Mr. Batson estimates. Concerned largely with potential foreign markets for radio equipment, the Batson report is also a comprehensive summary of the economics of world radio and of radio conditions prevailing in foreign countries. Though it abounds in statistics and is intended primarily as a handbook for exporters, it contains many facts and conclusions of interest to the layman.

For example, Mr. Batson observes that in some foreign countries "there is a definite indication of a trend toward the adoption of the American sponsored program system." In other words, the tendency abroad seems to be toward having advertisers foot the radio bill, as they do in the United States and a few other countries.

To date, however, the system of government taxes on receiving sets prevails in all but a few countries like the United States, Mexico, Cuba, Argentina, Chile, Paraguay, Holland, Portugal, Persia, and a handful of other less important countries. In these countries the listeners pay only for their receiving sets and programs cost them nothing, though in a few countries, like Mexico and Holland, receiving sets must be registered with the government.

How is broadcasting supported in other countries? Who does the broadcasting, and who pays the bills? License fees are imposed on each and every receiving set in use, and the revenues are largely devoted to the support of state broadcasting monopolies. In a few cases there are broadcasting concessions to private enterprise, often monopolies which get a share of such revenues. The average license fees, Mr. Batson finds, run between \$3 and \$4 a year.

The Batson report gives the latest and most complete data concerning the status of foreign broadcasting. License fees or broadcasting subscriptions, it shows, vary from 39 cents per set per annum in France to \$44 in Turkey. The annual fees charged in other important foreign countries are: Canada, \$1; Bolivia, \$12.28; Brazil, \$2.40 (installation only); Peru, \$4; Venezuela, \$11.58; Austria, \$3.39 to \$10.16 (depending on owner's income); Bulgaria, \$1.44; Czechoslovakia, \$3.60; Denmark, \$2.68; Estonia, \$2.40 to \$4 (depending upon number of tubes); Finland, \$2; Germany, \$5.71; Greece, \$6.50; Hungary, \$5.40; Irish Free State, \$2.43; Italy, \$3.95; Latvia, \$4.83; Lithuania, \$10; Poland, \$3.36; Rumania, \$3.60; Spain, 97 cents; Sweden, \$2.68 (installation fee, \$10.72); Switzerland, \$3 (installation fee, 60 cents); United Kingdom, \$2.43; Yugoslavia, \$3.96; India, \$3.65; Japan, \$5.98; Australia, \$4.25 to \$5.84 (depending upon distance from main station); New Zealand, \$7.29; Union of South Africa, \$4.87 to \$8.52 (depending on distance from main station).

#### METROPOLITAN LIFE INSURANCE CO.'S SURVEY OF UNEMPLOYMENT

Mr. LA FOLLETTE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Wisconsin?

Mr. THOMAS of Oklahoma. I yield.

Mr. LA FOLLETTE. I submit a resolution and ask that it may be read, and I further ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be read for the information of the Senate.

The Chief Clerk read the resolution (S. Res. 409), as follows:

*Resolved*, That the President's Employment Commission is hereby requested to furnish the Senate a copy of the Metropolitan Life Insurance Co.'s report or reports, together with all accompanying data, on the unemployment and part-time employment survey made by the said company at the suggestion of the said commission.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent for the present consideration of the resolution.

Mr. McNARY. Mr. President, agreeably to the promise I made to the Senator from Nebraska [Mr. NORRIS] last evening that I would move, at the conclusion of the Senate's business to-day, that it adjourn until to-morrow, so that a morning hour may be had to-morrow morning, I must object to the present consideration of the resolution.

Mr. LA FOLLETTE. I ask that the resolution go over under the rule.



The PRESIDENT pro tempore. The resolution will go over under the rule.

#### A VOTING BASIS OF REPRESENTATION

Mr. VANDENBERG. Mr. President, some time ago I asked the Census Bureau to prepare a table showing an apportionment of Representatives in Congress based upon voters rather than people. The study is interesting in view of the movement to emphasize citizenship by the exclusion of aliens from the apportionment count. Of course, the best method of emphasizing and recognizing citizenship would be to exclude all but voters from the count. Either change would require a constitutional amendment. I have been asked many times for these figures showing what would happen to the geographical and political complexion of Congress if we were to change the base and count voters only. I ask unanimous consent that the table prepared by the Census Bureau at my request may be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, and it is as follows:

*Apportionment as based on population and on popular vote for President*

State	Popular vote for President, 1928	Apportionment			
		Based on population	Based on popular vote for President		
			Total	As compared with apportionment on population basis	
				Gain	Loss
Continental United States.....	36,879,414	435	435	65	65
New England.....	2,967,751	29	36	7	
Maine.....	262,171	3	3		
New Hampshire.....	196,747	2	2		
Vermont.....	135,191	1	2	1	
Massachusetts.....	1,577,827	15	19	4	
Rhode Island.....	242,784	2	3	1	
Connecticut.....	553,031	6	7	1	
Middle Atlantic.....	9,166,968	93	108	15	
New York.....	4,466,072	45	53	8	
New Jersey.....	1,549,381	14	18	4	
Pennsylvania.....	3,150,615	34	37	3	
East North Central.....	9,426,103	90	111	22	1
Ohio.....	2,508,346	24	29	5	
Indiana.....	1,421,314	12	17	5	
Illinois.....	3,107,489	27	37	10	
Michigan.....	1,372,082	17	16		1
Wisconsin.....	1,016,872	10	12	2	
West North Central.....	5,243,129	47	61	14	
Minnesota.....	970,976	9	11	2	
Iowa.....	1,009,362	9	12	3	
Missouri.....	1,500,721	13	18	5	
North Dakota.....	239,867	2	3	1	
South Dakota.....	261,865	2	3	1	
Nebraska.....	547,138	5	6	1	
Kansas.....	713,200	7	8	1	
South Atlantic.....	2,769,857	54	33	2	23
Delaware.....	105,891	1	1		
Maryland.....	528,348	6	6		
Virginia.....	305,358	9	4		5
West Virginia.....	642,752	6	8	2	
North Carolina.....	636,070	11	7		4
South Carolina.....	68,605	6	1		5
Georgia.....	229,159	10	3		7
Florida.....	253,674	5	3		2
East South Central.....	1,704,751	34	20	2	16
Kentucky.....	940,604	9	11	2	
Tennessee.....	363,473	9	4		5
Alabama.....	248,082	9	3		6
Mississippi.....	151,692	7	2		5
West South Central.....	1,740,952	45	20		25
Arkansas.....	197,693	7	2		5
Louisiana.....	215,833	8	3		5
Oklahoma.....	618,427	9	7		2
Texas.....	708,999	21	8		13
Mountain.....	1,243,365	14	15	1	
Montana.....	194,108	2	2		
Idaho.....	154,230	2	2		
Wyoming.....	84,496	1	1		

*Apportionment as based on population and on popular vote for President—Continued*

State	Popular vote for President, 1928	Based on population	Apportionment		
			Total	Based on popular vote for President	
				Gain	Loss
Mountain—Continued.					
Colorado.....	392,242	4	5	1	
New Mexico.....	118,014	1	1		
Arizona.....	91,254	1	1		
Utah.....	176,604	2	2		
Nevada.....	32,417	1	1		
Pacific.....	2,617,433	29	31	2	
Washington.....	500,840	6	6		
Oregon.....	319,942	3	4	1	
California.....	1,796,656	20	21	1	

#### INTERIOR DEPARTMENT APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 14675) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1932, and for other purposes.

Mr. THOMAS of Oklahoma. Mr. President, the Indians of the United States are citizens of the United States. I hold that it is just as important to protect an Indian citizen as it is to protect a white citizen. In addition to being citizens of the United States the Indians are the wards of the Government. Hence I hold that it is more important for the Government to protect the Indian citizens than it is to protect the white citizens.

Mr. President, the time I have consumed and shall consume upon this floor is not for the purpose of retarding the public business of the Congress or of the Senate; but, having failed to secure consideration where consideration should have been accorded, there was no alternative except to use this time to bring before the Senate and the country, if possible, the conditions as they exist throughout the country respecting these Indian wards of the Government.

The particular amendment has to do with only three tribes among the hundreds of our Indian tribes; it has to do only with 4,000 of these Indians of the 300,000 Indian citizens of the Nation; but the tribes for whom I speak are landless people; they are a propertyless people; they are a moneyless people; and, as I showed on a former occasion, many of these Indians are sick; many of them to-day are in the hospital; many of them are crippled; many of them are blind; many of them are feeble-minded; and some of them at least are actually insane.

These Indians are not the wards of my State; they are the wards of the Nation. They are not my wards; they are your wards, Mr. President, and the wards of each Member occupying a seat upon this floor. They are the descendants of the men and women who used to own the land that you now own. Our constituents throughout all the States now own the property once owned by the ancestors of the few Indian tribes left in this Republic.

The amount of money involved in this amendment does not appear to be much; it is only \$51,000; but, divided among these 4,000 Indians, it amounts to \$12.50 per capita, and, Mr. President, in some sections of the country to-day \$12.50 is no inconsiderable item. Measured by the standard of the Red Cross, \$12.50 per Indian, on the basis of 1 cent per meal, would keep each Indian among these tribes for more than 12 months.

To-day down in my section of the State of Oklahoma I hope it is as bright and sunny as it is here. It may not be now, though it usually is. At this moment this reservation may be covered with snow; it may be covered with ice; there may be a northern gale blowing across it. These Indian citizens may not have fuel; they may not have food; they may not have clothing; and the sum covered by this amend-



ment, while amounting to but \$12.50 per capita, might bring warmth and food to hundreds of these helpless people of a helpless race.

I have a telegram this morning from the superintendent of that reservation. He gives me the names of the Indians that I mentioned on yesterday—the names of the Indians blind, the names of the Indians insane, the names of the Indians crippled—and ends his message by stating that the number unallotted is approximately 2,150.

That means that of the 4,000 Indians more than 50 per cent have no land. They have no property. They have no money save the remnants of their trust fund, now dwindled to the small sum of \$237,000. Yet this great Government, the Secretary of the Interior, the Commissioner of Indian Affairs, the great Committees on Appropriations of the House and Senate, have brought out here, and are standing for, a bill proposing to take of this sum—only \$58 per capita among those Indians—25 per cent of each individual's money to maintain a general Indian agency which not only supervises these Indians but supervises some seven or eight other tribes; to maintain a general hospital which not only takes care of these particular Indians but likewise takes care of the Indians of 14 other tribes, as per the report submitted on yesterday. It is that to which I object.

Some one might ask, "Why not force these Indians to go out to work?"

In the first place, the ones I have mentioned are not able to work—the blind, the insane, the feeble-minded, and the crippled. They can not work. Many of these Indians are minor children. They should be in school. They could not work; and the older Indians could not work at any job that they might find now, because no jobs exist. Not only have jobs ceased to exist for the Indians, but likewise jobs have ceased to exist for many of our other American citizens. Able-bodied men and women, skilled in their profession or craft or vocation, are now walking the streets and highways and byways looking for jobs, and there are no jobs.

Mr. President, even if these elderly Indians could work, there are no jobs for them. They have not been educated to work. In former days they did perform a sort of work. They killed the game for their food. They tanned the skins for their clothing. They made their bows and arrows. They made their scalping knives. They grew some corn and made meal; and the women among the tribes assisted in the work, and made pottery and baskets. It is unthinkable, it is irrational to expect these elderly Indians to take their place and make their way in the advanced civilization of to-day. It would be just as reasonable to expect men of this body, if captured by a superior race, to enter into competition with that superior race.

Reverse the picture, Mr. President. Assume for the moment that the Indians should have captured America, that they should do it yet, and we should become in the future a dwindling and disappearing race, and those left among us were being forced to work at the trades prescribed by the red man. We would then have to go to tanning skins for our clothing. We would have to wear the clothing that they wear. We would have to perform the work that they perform. I think I could imagine now seeing some of the dignified Members of the Senate wearing the clothing of the red man. For example, down in the Seminole Nation in Florida you can not tell a man from a woman by his attire. The men wear dresses, exactly like the women. I can imagine now seeing some of the dignified Members here, even the chairman and subchairman of the great Appropriations Committee, attired in the garments of the Seminoles of Florida, working at the tasks at which the Seminoles work, making pottery and making baskets. It is just as reasonable to portray that picture for our white people as it is to insist that these old Indians, now in the last days of their existence, should try to find a place in the modern civilization of to-day.

Some one might say, "Why not permit this matter to come to a vote?" Mr. President, for years we have appealed to the department for relief; we have appealed to the committee for relief; and now, for two days, I have appealed

to the chairman of this subcommittee for relief. He is not convinced; and if he is not convinced of the justice of their cause what right have I to assume that the other Members of the Senate, now somewhere else than in their seats, are convinced? I have no alternative excepting to give, as best I can, the conditions of these defenseless and helpless people in an effort to reach the committee, in an effort to reach the Indian Bureau, and, failing there, in an effort to reach the people of America.

I can not believe that the public conscience of this Republic would for one moment sustain the position now being urged by the chairman of the subcommittee, taking 25 per cent of all the property these Indians have to sustain a general agency and a general hospital serving other Indians than those taxed under the provisions of this bill.

Mr. President, I assert here and now that the policy that has been pursued by the Government in relation to our Indian people constitutes the blackest spot in human history. I have thought we were making some progress; but here, in the most extreme example, we find the chairman of this great committee saying that he speaks for the committee, insisting that again these defenseless people suffer an injustice.

Mr. President, the wild animals found in America have fared better than have fared these Indian tribes. For example, take the buffalo. The buffalo and the Indians roamed together in the early days. Before the buffalo became extinct the remnants of the buffalo were corralled and placed in great reservations, where now they have every care of a most generous and beneficent Government. They are cared for in summer and they are cared for in winter. They have ample food. Not so much can be said for the Indians of this Nation. The same thing is true with respect to the elk of the Nation. They likewise are having the care of this Government; but these Indians, so far as the practical operation is concerned, are set adrift, and are now almost gone.

Mr. President, I wish to call attention briefly to the condition of some of the other Indian tribes and the national policy toward these tribes.

Years ago the Indians controlled and roamed over the entire United States. The white people first attached themselves to the eastern shore. As the white people needed the land the Indians were driven west, west, and farther west. Later they were forced on to reservations. Later the reservations were subdivided and the Indians were required to accept smaller reservations. Later still the Indians were forced upon allotments of 160 acres, and later the allotments were permitted to be sold, and sometimes the patents were forced upon the Indians, and the record is that when an Indian receives his patent the land covered by the patent is soon gone.

Where Indians were allotted, where oil and gas were discovered and vast sums of money accumulated, it has been the policy of the Government not only to spend the money but to permit the Indians to spend the money. In this case this particular money is the result of gas and oil royalties, and without the consent of the Indians, without the knowledge of the Indians, the Government took the money of these Indians, secured through their own efforts, upon their own land, and before they knew it had spent a million dollars of their private trust funds for the support of an agency and a hospital that serve other Indians besides the Indians taxed to support them.

Mr. President, let me call attention briefly to the condition of the Cherokees in North Carolina.

At one time the Cherokee Tribe of Indians owned much of the country now known as North and South Carolina. Years ago it was the desire of the Government to remove the Cherokees to the west, to place them in exile. The Cherokees did not desire to leave the land of their fathers, the hills and timber of that beautiful country. The Government sent soldiers to North Carolina, captured the Indians, put them in stockades, and as often as a suitable number could be secured these captured Indians, surrounded by soldiers, were forced to enter upon their western trail.



They were driven across the Mississippi to a territory called the Indian Territory. That, then, was the Indian Siberia. It was thought at that time, the Government having exiled these Indians, that they would not be heard of any more, and in time they would dwindle away and cease to exist.

When the Government was trying to corral these Indians in North Carolina, however, some of the Indians did not desire to be moved or to be exiled. They hid in the hills of North Carolina, and after those that could be captured were captured and sent away the remnants of the Cherokee Tribe came back together. At a later date the Government saw fit to give them a small reservation in North Carolina. It went down to the mountains of that State and procured 50,000 acres of the poorest land in the State—land standing on edge, practically mountains entire, here and there a little bottom land, here and there some timber—and on this reservation of 50,000 acres we now find 3,000 Cherokee Indians in North Carolina.

If the land were level, Mr. President, 50,000 acres would be only 16 acres per Indian of the Cherokees left in North Carolina. If they were allotted to-day, that would be their total landed estate—16 acres per capita. As it is, however, many of these acres are wholly worthless; and of the entire 50,000 acres there are but few acres on the reservation susceptible of growing even the meager crops that the Indians can produce. Yet these Indians are forced to live on this small reservation. The timber on the reservation is now being depleted, not by the Indians but by the adjacent white settlers. The white men living close to the reservation enter upon these lands, cut the timber, and remove it without payment to the Indian tribes.

There is a concrete example of the supervision of the United States over the remnant of one of the bands of these Indians.

Let me next call attention to the condition of the Seminoles in Florida.

The Seminoles in Florida number something like 500. They live in three bands in Florida. They live there, brothers to the crocodile, in the Everglades. They have the same attention from the State and from the Nation that the crocodiles and alligators have. The treatment of the United States Government toward the Seminoles of Florida has been such that any time you raise a flag in Florida, no Seminole Indian will stay in that immediate vicinity. The treatment of the Government toward the Indians in Florida has been such that these Indians have an aversion for the Government. We can not now send a governmental agent to interview them, to confer with them, because when they have notice that some one representing the Government is coming to see them, they move from their homes and hide out in the Everglades and in the thickets of Florida. They refuse to treat with the white man. They refuse to stay where the flag floats. I wonder why. It is because of the treatment this Nation has accorded the Seminoles of that area.

Down in the suburbs of Miami, Fla., there is a show place. In that show place there can be found, or at least there could have been found a year ago, remnants of the Seminoles of Florida on exhibition. In the same inclosure with those remnants of the Seminole bands would be found and on display the alligators of Florida. They are regarded as curiosities by the tourists who go to that section of the country. When a subcommittee of the Committee on Indian Affairs of the Senate was at that point a year ago, we visited this show place. There we saw on display the Seminoles, and there we saw on display the alligators. They live together. They are shown together.

We saw in this show place in Florida last year a descendant of Osceola, a youth of something like 22 or 23 years of age, a fine, upstanding boy, bright and alert. The only way that boy had to make a living was to enter the pen or den of the alligators and wrestle with them, trying to make a living in that manner. This descendant of Osceola on one occasion suffered an accident; an alligator removed his arm. We see that boy to-day still on exhibition, maimed, one arm gone as a result of the policy of the United States forcing these Indians to make a living as best they can.

Who was Osceola? Who was the forefather of this young boy we saw there a year ago? He was perhaps one of the greatest Indians this Nation has produced. He was a leader of the Seminole Band years ago. He was such a leader that the resources of our Nation were unable to capture him, and one day, under a flag of truce, Osceola consented to treat with the Government, and, while protected by a flag of truce conferring with the general, he was surrounded by the soldiers of our Nation, placed in irons, and thrown into prison.

He was kept in prison for about a year and, like all Indians, unable to stand confinement, in a year's time Osceola was practically dead. He knew he was dying. A few days ago, December 31, the Washington Times contained an account of his death. I think this should be given a place in the CONGRESSIONAL RECORD. I read from the Washington Times of the given date:

[From the Washington Times, Wednesday, December 31, 1930]

#### DEATH OF OSCEOLA

Finally, on the morning of the 20th of January, 1838, in the thirty-fourth year of his age, surrounded by his wives and children, by his brother chiefs, and the officers of the garrison, Osceola, the Rising Sun—he who had been the very life spirit of the Seminole war for home and country, passed peacefully away, his head resting in the lap of one of his devoted wives.

When Osceola realized that he would not recover and that death was near he had requested Doctor Weedon to give Mr. Catlin—whom he, in common with nearly all Indians, knew to be his friend—an account of his last moments, which request was complied with, as follows:

"About half an hour before he died he seemed to be sensible that he was dying; and, although he could not speak, he signified by signs that he wished me (Doctor Weedon) to send for the chiefs and for the officers of the post, whom I called in. He made signs to his wives (of whom he had two, and also two fine little children) by his side to go and bring his full dress which he wore in time of war; which, having been brought in, he rose up in his bed, which was on the floor, and put on his shirt, his leggings, and his moccasins, girded on his war belt, bullet pouch, and powderhorn, and laid his knife by the side of him on the floor.

"He then called for his red paint and looking-glass, which latter was held before him, when he deliberately painted one-half of his face, his neck, and his throat with vermillion, a custom practiced when the irrevocable oath of war and destruction is taken. His knife he then placed in its sheath under his belt, and he carefully arranged his turban on his head and his three ostrich plumes that he was in the habit of wearing in it.

"Being thus prepared in full dress, he lay down a few moments to recover strength sufficient, when he rose up as before, and with most benignant and pleasing smiles, extended his hand to me and to all of the officers and chiefs that were around him, and shook hands with us all in dead silence, and with his wives and little children.

"He made a signal for them to lower him down upon his bed, which was done, and he then slowly drew from his war belt his scalping knife, which he firmly grasped in his right hand, laying it across the other on his breast, and in a moment smiled away his last breath without a struggle or a groan." (A footnote in Catlin's Eight Years, etc.)

Mr. President, let me call attention next to the condition of the Catawbas in South Carolina. A subcommittee of the Indian Affairs Committee last year visited what is left of this tribe of Indians. In order that the account which I may give may not appear to be prejudiced, I desire to read what a local paper stated about the condition of those people. I read from the Charlotte (N. C.) Observer of Sunday, April 13, 1930, an article entitled "The Catawbas," as follows:

#### THE CATAWBAS

Nine miles from Rock Hill, in South Carolina, is the land of the Catawbas. It is a desolate land. On it there are no forests and hardly any trees. The terrain is hilly and rocky and too poor to sustain human life. The best white farmers in the Carolinas would starve to death thereon. The remnant of the Catawba Indians is facing virtual starvation. There are no more pitiful people on the face of the earth than these Indians, who are now holding out appealing hands to the Great White Father in Washington to come to their relief.

This proud and valiant race has been always the consistent friend of the white man. In the early days they interposed their power between the settlements in South Carolina and the fierce Cherokees to the west. The Catawbas have taken part in every war in which the United States has engaged. They fought for the Confederacy in the War between the States. A number of their young men volunteered for service in the World War, and at least one of them was sent overseas. At Fort Mill there stands a monument



to the valor of the red men who followed the fortunes of Lee and Jackson.

The Catawbas are a vanishing tribe of a vanishing race. There are now only 172 individuals on their reservation. There are only 6 full-bloods of this once virile people in the world to-day. These are old men and women who can no longer hope for a perpetuation of their race. The journey of the Catawbas into the land of the to-morrows is inevitable. It is a pity. Of all the Indians on the American Continent these have been the most faithful in their allegiance to their white neighbors.

The subcommittee of the Committee on Indian Affairs made a visit to this reservation. I now read an account of the visit of the subcommittee:

The committee went out to the reservation, where a hearing was held at the schoolhouse for the Indians and a few white friends who spoke in their behalf. Afterwards they visited the homes of some of the tribesmen, where they saw for themselves where real poverty and distress exists. They found, for instance, three families of eight people living in a 1-room shack, with uncalled walls and roof, and with the sky visible through cracks in the walls and roof. These eight people were obliged to sleep on two beds and a nondescript frame structure which takes the place of a bed. They have no garden, no poultry, no hogs, no cattle, no fruit trees. There was nothing but abject squalor and poverty.

In another house of two rooms was found a family of eight living under similar environment. At this second home the family were at supper when the committee arrived. There was one loaf of corn bread on the table. The meal had been mixed with no other seasoning than salt and water. There was no meat, no eggs, no vegetables, no butter, no sirup, no fruit. The committee was told that the family had no money with which to buy these things.

Mr. President, the history of these people is most remarkable. They have always favored the white race. They have fought against the Cherokees, and even among themselves, for the white man. They have suffered many hardships and have even given up their possessions to the white man. There are at this time 38 families on the reservation—41 men, 38 women, and 93 children; 172 in all. There are only a dozen houses fit to live in. There is a schoolhouse on the reservation, which is supported by the State in the amount of \$1,500 annually. In this school there are two teachers. There are 43 pupils enrolled, with an average attendance of 34.

Mr. President, these Indians have accepted the L. D. S.—Mormon—religion. A temple on the reservation was built by the Mormon Church, and all services are well attended. So far as the committee could see, these Indians have but one friend left in the world, and that is the Mormon Church.

Years ago a distinguished member of that tribe appeared before the South Carolina Legislature and made an appeal on behalf of his people. While that appeal was delivered years ago before the South Carolina Legislature, the appeal could now be made to the Senate of the United States. I read one paragraph from the appeal, delivered by Peter Harris, a Catawba:

I am one of the lingering survivors of an almost extinguished race. Our graves will soon be our habitations. I am one of the few stalks that still remain in the field after the tempest of the Revolution is passed. I fought the British for your sake. The British have disappeared, nor have I gained by their defeat. I pursued the deer for a subsistence; the deer are disappearing, and I must starve. God ordained me for the forest, and my ambition is for the shade. But the strength of my arm decays, and my feet fail me in the chase. The hand which fought the British for your liberties is now open for your relief. In my youth I bled in battle that you might be independent. Let not my heart in my old age bleed for the want of your commiseration.

Mr. President, at this particular point I desire to call attention to one other phase of this Indian problem. The Indians have been accused of being a barbarous people. Let me give a picture of the genius of the Indians.

They were never the cruel savages as portrayed in history. They opposed the intrusion of the invader, just as we oppose such to-day. They did not fight and kill because they enjoyed the gruesome activity. They fought as best they could to protect their lands, their homes, and their families. Even after a fight it was their custom to send delegations to condole with their friends when misfortune befell them.

In the early days, when the Modocs and the French were contesting for the territory now embraced in the State of New York, on one occasion the French descended on a Modoc camp in the vicinity of Schenectady, murdered 63

innocent Indians in cold blood, and carried 27 away as prisoners. As the French were leaving the place the braves among the Modocs pursued the French, fell upon their rear, and killed and took 25 of them.

After this encounter, the French against the Modocs, and the Modocs against the French, the settlers in the vicinity of Albany became alarmed and threatened to move back to New York. The Modocs considered the few scattered settlers as their friends and sent a delegation to see them. The message delivered on that occasion deserves a place in history, and I now engrave it on the pages of the CONGRESSIONAL RECORD.

Speaking first to their brother tribesmen, the Modoc speaker said:

Brethren, the murder of our brethren at Schenectady by the French grieves us as much as if it had been done to ourselves, for we are in the same chain; and no doubt our brethren of New England will be likewise sadly affected with this cruel action of the French. The French on this occasion have not acted like brave men but like thieves and robbers. Be not, therefore, discouraged. We give this belt to wipe away your tears.

Brethren, we lament the death of so many of our brethren, whose blood has been shed at Schenectady. We don't think that what the French have done can be called a victory; it is only a further proof of their cruel deceit. The Governor of Canada sends to Onondaga and talks to us of peace with our whole house, but war was in his heart, as you now see by woeful experience. He did the same formerly at Cadarackui and in the Senekas' country. This is the third time he has acted so deceitfully. He has broken open our house at both ends, formerly in the Senekas' country and now here. We hope, however, to be revenged of them. One hundred of our bravest young men are in pursuit of them; they are brisk fellows, and they will follow the French to their doors. We will beset them so closely that not a man in Canada shall dare to step out of doors to cut a stick of wood; but now we gather up our dead to bury them by this second belt.

Brethren, we came from our castles with tears in our eyes to bemoan the bloodshed at Schenectady by the perfidious French. While we bury our dead murdered at Schenectady, we know not what may have befallen our own people that are in pursuit of the enemy; they may be dead; what has befallen you may happen to us; and therefore we come to bury our brethren at Schenectady with this third belt.

Great and sudden is the mischief, as if it had fallen from heaven upon us. Our forefathers taught us to go with all speed to bemoan and lament with our brethren when any disaster or misfortune happens to any in our chain. Take this bill of vigilance, that you may be more watchful for the future. We give our brethren eyewater to make them sharp-sighted, giving a fourth belt.

We are now come to the house where we usually renew the chain; but alas! we find the house polluted, polluted with blood. All the Five Nations have heard of this, and we are come to wipe away the blood and clean the house. We come to invite Corlear, and every one of you, and Quider [calling to every one of the principal men present by their names] to be revenged of the enemy, by this fifth belt.

Brethren, be not discouraged, we are strong enough. This is the beginning of your war, and the whole house have their eyes fixed upon you at this time to observe your behavior. They wait your motion, and are ready to join in any resolute measures.

Our chain is a strong chain, it is a silver chain, it can neither rust nor be broken. We, as to our parts, are resolute to continue the war.

We will never desist so long as a man of us remains. Take heart, do not pack up and go away; this will give heart to a dastardly enemy. We are of the race of the bear, and a bear, you know, never yields while one drop of blood is left. We must all be bears [giving a sixth belt].

Brethren, be patient, this disaster is an affliction which has fallen from heaven upon us. The sun, which hath been cloudy and sent this disaster, will shine again with its pleasant beams. Take courage [said he], courage [repeating the word several times as they gave a seventh belt].

Then turning to the English, who were about to remove from the vicinity, the orator said:

Brethren, three years ago we were engaged in a bloody war with the French, and you encouraged us to proceed in it. Our success answered our expectation; but we were not well begun when Corlear stopt us from going on. Had you permitted us to go on, the French would not now have been able to do the mischief they have done; we would have prevented their sowing, planting, or reaping.

We would have humbled them effectually, but now we die. The obstructions you then made now ruins us. Let us after this be steady, and take no such false measures for the future, but prosecute the war vigorously. [Gave a beaver skin.]

The brethren must keep good watch, and if the enemy come again send more speedily to us. Don't desert Schenectady. The enemy will glory in seeing it desolate. It will give them courage



that had none before; fortify the place, it is not well fortified now. The stockades are too short, the Indians can jump over them. [Gave a beaver skin.]

Brethren, the mischief done at Schenectady can not be helped now; but for the future, when the enemy appears anywhere, let nothing hinder your sending to us by expresses, and fire great guns that all may be alarmed. We advise you to bring all the river Indians under your subjection to live near Albany to be ready on all occasions.

Send to New England, tell them what has happened to you. They will undoubtedly awake and lend us their helping hand. It is their interest, as much as ours, to push the war to a speedy conclusion. Be not discouraged, the French are not so numerous as some people talk. If we but heartily unite to push on the war and mind our business the French will soon be subdued.

Brethren, we are glad to find you are not discouraged. The best and wisest men sometimes make mistakes. Let us now pursue the war vigorously. We have a hundred men out; they are good scouts. We expect to meet all the sachems of the other nations, as they come to condole with you. You need not fear our being ready at the first notice. Our ax is always in our hands, but take care that you be timely ready. Your ships, that must do the principal work, are long a fitting out. We do not design to go out with a small company or in sculking parties, but as soon as the nations can meet we shall be ready with our whole force. If you would bring this war to a happy issue you must begin soon, before the French can recover the losses they have received from us and get new vigor and life. Therefore send in all haste to New England. Neither you nor we can continue long in the condition we are now in. We must order matters so that the French be kept in continual fear and alarm at home, for this is the only way to be secure and in peace here.

Mr. President, sometimes there is complaint about the liberality of the Senate rules. I am not taking advantage of the Senate rules to help people who do not need help. On this occasion I am taking advantage of the Senate rules to help people who do need help, to help people who can not help themselves, to help people who, unless they are helped here, will receive no assistance. The policy of the Government has been and now is that when an Indian ceases to have property, ceases to have land, ceases to have money, he becomes unrestricted; he is turned loose, he is set adrift, thereafter to wander, to decay, and to die.

Mr. President, the motion which I have submitted may fail. It should not fail. I think no citizen of the United States who understands the matter in all its aspects would vote for its failure. I am at a loss to know how the great Senator from Utah, in charge of this bill, understanding as he must now understand the condition in which these people find themselves, can still insist that these defenseless people should submit themselves to be further robbed.

This is a concrete illustration of bureaucracy run mad. It is an illustration of the Congress enacting into law recommendations of a bureaucracy. It is a concrete illustration of the Congress enacting into law recommendations of clerks who know nothing of the conditions about which they recommend.

Mr. President, I am taking the opportunity to call the attention of the Senate and of the country to some of the policies that are now being pursued by the Indian Bureau. A subcommittee of the Committee on Indian Affairs visited many of these reservations in the past year and a half. The subcommittee has two or three reservations yet to visit and as soon as its work shall have been completed a report will be submitted. It might not now be amiss to take the time to call attention to some of the practices of the Indian Bureau which, in my judgment, the Congress will not support and which, in my judgment, the people of this Nation will not support when once they are acquainted with the facts.

The Government appropriates money to maintain the Indian Bureau. The Indian Bureau has many agencies throughout the country. These many agencies have many employees throughout the country. But the Indian Bureau here, the Indian agencies abroad, and the employees abroad, when it comes to taking care of Indians who need help, devote their time and attention to the Indians who are wealthy, and the wealthier the Indian the more attention he receives at the hands of the employees of the Indian Bureau.

At this time I desire to call the attention of the Senate, if I may, to the school situation. Approximately a quarter

of a century ago the Federal Government abolished the tribal governments of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Nations.

At this particular time I would like to have the attention of the distinguished Senator in charge of the bill. I will ask the distinguished Senator from what fund is the agency paid which supervises the Five Civilized Tribes in Oklahoma?

Mr. SMOOT. If they have no fund deposited with the United States Government, it is paid out of the Treasury of the United States.

Mr. THOMAS of Oklahoma. Mr. President, I am advised that the agency supervising the affairs of the Five Civilized Tribes in Oklahoma is paid out of the Treasury of the Federal Government.

I will now ask the distinguished Senator from Utah, who has charge of the pending appropriation bill, why it is that his committee sees fit to pay the expenses of the agency supervising the affairs of the Five Civilized Tribes out of the Treasury of the Federal Government and at the same time sees fit to pay the agency supervising the affairs of these wild Indians of the West from their own funds?

Mr. SMOOT. Wherever there is a deposit with the Government of the funds of the Indians as a trust fund, the money has always been paid from that fund for supervising the affairs of that tribe of Indians. That is the question involved here. It is not a new question. The same practice has been followed, I can not tell for how many years, but ever since the Indians have had funds deposited with the Government of the United States, and it is followed in the case of other tribes of Indians affected by this bill that have funds deposited with the Government.

Mr. THOMAS of Oklahoma. Mr. President, I assert here now that each tribe making up the Five Civilized Tribes has trust funds and has had for years; yet, notwithstanding they have trust funds, the committee and the Indian Bureau have seen fit to pay their expenses from the Treasury, protecting their trust funds. Yet here is a wild, uncivilized band, only 30 years associated with the white man, who have \$237,000 left, \$58 per capita, and this great, beneficent Government has taken of their funds a million dollars to support this agency, without their knowledge and without their consent. Now, when their fund is about gone, the Senator in charge of the bill still insists that they shall be completely pauperized by taking additional funds from them.

Mr. SMOOT. The Senator in charge of the bill is following out the instructions received by the committee, and is adhering also to the action of the House of Representatives.

Mr. THOMAS of Oklahoma. Mr. President, I now ask unanimous consent that this bill may be recommitted to the Committee on Appropriations, so that the committee may pass upon this particular item.

Mr. SMOOT. Mr. President, I shall have to object to that.

Mr. THOMAS of Oklahoma. Mr. President, I started upon a discussion of the educational policy of the Indian Bureau. I am dealing now with the educational policy formulated and in force with regard to the Five Civilized Tribes, the tribes whose agency is supported by the Federal Government, notwithstanding the fact that each of those tribes has remnants of trust funds under the control of the United States Government.

These Indian nations at the time of relinquishing their governmental functions to the United States were giving special consideration to the education of the youth of their respective tribes. Their public-school system of education was complete and well organized; all books and school equipment were furnished to the children out of tribal funds without cost.

One of the requirements of the public-school system was that each school should reflect a specific number of children in attendance throughout the school year, otherwise the school, at the end of the school term, was closed and the teacher refused pay for having taught the school. Teachers were required to possess not only knowledge of books but ability to hold a school community intact and maintain regular attendance of the children of the community in



school. Under this system if a child was out of school one day, the following evening after school closed the teacher visited the home of the absent child to learn the reason of the child's absence. If through sickness, and the health of the child would permit at the time of the teacher's visit, the lessons which had been studied during the previous day were gone over with the child and lessons for the following day assigned. This procedure was followed day after day until the health of the child would admit of its return to school.

Indian children attended school regularly. Calling on the law-enforcement branches of these governments to run down and handcuff the children of the Indian was never thought of or heard of—such ideas or others closely akin to them—to get the Indian child in school and keep him there developed only when the Indian Bureau took charge.

The Five Tribes also provided higher educational opportunities for their young men and women through seminaries and academies, institutions equal to similar institutions throughout the States at the time.

The teaching staff in these schools were college men and women in many instances. Many people who talk about, have heard about, and may have read about the Indians of the Five Tribes of 50 and 60 years ago would be surprised, indeed, to learn that men who were directing the government of these tribal nations were graduates, in many instances, of leading colleges in the States of New Hampshire, Connecticut, Virginia, North Carolina, Missouri, Texas, and elsewhere. All over the State of Oklahoma to-day, and in other sections of the country, are men and women—doctors, lawyers, bankers, merchants, mining and oil operators, teachers, legislators, and administrators in every branch or department almost of our city, county, State, and National Governments—who received their training or foundation, at least, in these tribal institutions 30 and 40 years ago.

The buildings which housed the higher educational activities of these tribes were, in many instances, erected before the Civil War, from brick produced on the ground by the Indians themselves, or hauled 100 and 200 miles by ox team. The Northeastern State Normal of Oklahoma is now housed in what was formerly the Cherokee National Female Seminary. The material for this building was produced by the Indians on the ground, or hauled 100 miles or more by ox team in many instances. This building is in perfect state of repair to-day, and has met the needs of Oklahoma in its educational program in every respect, with but few changes or additions.

#### INDIAN BUREAU EDUCATIONAL ACTIVITY

Of all the Five Tribes perhaps the Cherokees were well toward the front, if not in the lead, in advanced education and educational facilities as a whole when the change from tribal government to national tutelage came.

Did the Indian Bureau, when it took over or assumed responsibility for the future education of the Indian youth of the Cherokee Tribe, observe the success of the tribe's educational program then in operation and start building up or tearing down? The bureau preserved nothing—not so much as one of the buildings where the Indians of the tribe had been receiving school training over three-quarters of a century. Did they build up or down on the educational plan?

They immediately put into operation their way, sending the Indian child to the field, the work bench, and cow barn, for a half day and the other half day to school. This was necessary in order to teach the Indian "how to make a living—grow corn, sharpen the plow," and curry the cow. It never occurred to the bureau that the Indian was growing corn successfully before the bureau was ever heard of or thought of; that within these tribes were carpenters, masons, blacksmiths, and silversmiths, the equal of any race; that the Indians were shipping cows by the trainload to Fort Worth, Kansas City, St. Louis, and Chicago stock markets before the bureau ever thought of starting their "cow currying" idea on the Indian.

As previously indicated, almost a quarter of a century ago these nations surrendered their governments and educa-

tional program to the Indian Bureau. What is the situation to-day? More than 10,000 children of these tribes are out of school, and 95 per cent of this number are of the restricted class; Indians under the direct control and supervision of the Federal Government. As proof of this statement, I quote "Mr. Dodd on justification," page 1077, House hearings, Interior Department appropriation bill, 1932:

Twenty-seven thousand two hundred and fifty-six Indian children of the Five Tribes of school age, and of this number 16,371 attending school and 10,886 out of school altogether.

Just what success has the bureau attained with this half-day educational theory? Indians without plows; Indians without corn; Indians without cows; and in all the Five Tribes the bureau is absolutely unable to offer to-day Exhibits 1, 2, 3, 4, and 5, representing college men or women, as the direct result of their educational program worked on these Indians—the only so-called civilized tribes of the entire Indian population of the United States 100 years ago. Think of this situation and imagine, if you can, the bureau's accomplishments with other tribes not so far advanced a century ago.

The bureau will say: "Oh, we've just been working on the full-blood Indians." Just why do they single the full-blood Indian out for all the punishment? For the information of the bureau, however, the Five Tribes made no blood distinction in working for and with each other. With the result that to-day about one-eighth of the opinions on controverted points of law coming before the Supreme Court of the State of Oklahoma are written by a full-blood Indian.

The Commissioner of Indian Affairs in his report to the Secretary of the Interior for the fiscal year ended June 30, 1930, makes no reference to the activities of his supervisor of Indian schools for the Five Tribes, located at Muskogee, Okla. And "Mr. Dodd on justification" is silent as to the activities of the school supervisor, nor does he state whether provision for the supervisor's salary is in the Interior bill for 1932.

The supervisor of schools for the Five Tribes was before the Senate subcommittee when the committee was in Oklahoma. He knew about thousands of children being out of school. He made this discovery, of course, from checking information furnished him by the county and State school authorities and not from his own personal investigation as to the facts. He had no plan whereby this deplorable and inexcusable situation might be corrected, other than more help, through additional truancy officers.

Quoting from page 1086, House hearings, Interior Department appropriation bill, 1932, "Mr. Dodd on justification" says:

There were six truancy officers during 1930, and four of these were paid in part from this fund, and attendance has been greatly improved due to their activities. The plan will be extended during the present year.

According to "Mr. Dodd on justification," page 1077, House hearings, Interior bill for 1932, there were 9,249 children of the Five Tribes out of school during the year 1929 and 10,856 out of school during the year 1930. There were 1,636 more children out of school in 1930 than in 1929, notwithstanding "Mr. Dodd on justification" states:

Attendance has been greatly improved due to their activity.

Meaning the truancy officers. Further he says—

The plan will be extended during the present year.

Mr. Dodd, again on page 1077, House hearings, Interior appropriation bill, 1932, states:

There were 372 more pupils enrolled in 1930 than in the previous fiscal year . . .

There is a mistake in figures somewhere, but we have never been able to count the Indians accurately—we do not know how many there are, yet we have been right on their heels for the past 400 years. The best we can do is approximate them, and then we separate them into 640 different varieties and degrees of Indians. Neither Mr. Dodd nor anyone in the Indian Bureau, in Washington or in Oklahoma, knows the number of Indian children of the Five Tribes who are in or out of school to-day, yesterday,



or the day before. And they do not know the number of Indian children who have entered school on account of their truancy officers.

Using the figures of Mr. Dodd as to the number of truancy officers working during the year 1930 and the increased attendance as the result of their work, 175 truancy officers will be required to place all Indian children of the Five Tribes in school next year. There are 40 counties of the State of Oklahoma, included in what were formerly the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Nations. The great bulk of children of the Five Tribes who are out of school actually reside in less than 15 of these counties, which would give to the bureau 10 truancy officers in each county, with two-thirds of an officer to fill in where needed, if the suggestion of the supervisor of schools were followed out and more truancy officers provided.

The supervisor of schools, further testifying before the Senate subcommittee on the solution of the non-school-attendance problem touching Indian children of the Five Tribes, also suggested the extension of the Indian day-school plan to every community throughout his jurisdiction where conditions justified and it were possible to do so.

I quote from page 52, lines 16 to 20, inclusive, of the Interior appropriation bill 1932, H. R., 14675:

And not to exceed \$10,000 may be expended in the discretion of the Secretary of the Interior for the payment of salaries of teachers in special Indian day schools in full-blood Indian communities where there are not adequate white day schools available for their attendance.

One of the Indian day schools in the territory of the Five Civilized Tribes is located in Delaware County, in a strictly full-blood Indian settlement. Only two white children have ever attended this school since it was opened—about a year and a half ago.

In connection with the suggestion of the supervisor of Indian schools for the Five Civilized Tribes that whenever conditions warranted the Indian day-school plan should be adopted throughout his entire territory, it is interesting to note that this particular Indian day school in Delaware County, Okla., was not opened at the suggestion of the Five Tribes supervisor of Indian schools; that he had never visited this Indian community prior to the opening of the school, nor since; nor has any other official of the Government, farmer, or field clerk, visited this Indian settlement within the past 10 years, yet in this particular community live and have lived for years many real full-blood Indians, with children to the number of 30 out of school altogether during these years, until the school mentioned was opened at the instance and through the efforts of a white man in no manner whatever connected with the Government.

And this supervisor, asking for more truancy officers, when the results of this addition to his force over the past year are to be seriously questioned as to any benefits whatever as reflected in the statements of "Mr. Dodd on justification," asking for more Indian day schools, not responsible for those now opened to the Indians, not visiting the schools after they are opened, is covered up, from a salary standpoint, in this Interior appropriation bill in such a manner that he can not be singled out and justice prevail.

We will never pay our honest debt to the Indians as long as we ignore conditions as reflected herein by continuing to appropriate money for this class of service. It is downright unjust to the Indian and the taxpayers of the country as well.

Talk to the bureau about this situation and they begin the "old saw" of what to teach the Indian, as though they were a new assignment. They are still in the A B C class. They have been creating and accepting ideas on this thought and placing or attempting to place them on the Indian for centuries, until the Indian is a crazy quilt of their ideas, not applicable to him or any race.

The answer to their question of what to teach the Indian is simple and fundamental. Teach him whatever is being taught the child of the Jew, the German, the Irishman, the Englishman, or whatever man lives in daily contact with him. The Indian boy from Arizona should not be taught

the art of growing pond lilies, nor should the boy from the Everglades specialize in dry farming, for when you turn them loose, after having finished them in one of the Government schools, they are going home; and they should. Most all of us do, for a time at least. If the bureau have anything good—sanitation, ventilation, disease prevention, better homes, more cows and chickens—and they are really interested in the Indian, they will load these boys down with these ideas; for the folks back home will adopt, through the boys, 1,000 changes in their manner of living, while the bureau is attempting to put over one direct.

The "new thought" now is to get the Indian off the reservation. Yet it took millions of dollars to get him on, saying nothing about the time and loss of life, white and red. The "old thought" was, when he got off the reservation, chase him back, and if he did not go back, shoot him. Now he is used to the reservation; he has forgotten his roaming habits; and the bureau comes along with idea 999,999, which reads: "Get the Indians off the reservations."

The most good will come to the Indian and the taxpayer, who are suffering and paying the bill, through supplanting the "new thought" idea, with one to get 50 to 75 per cent of the present Indian Bureau personnel off the Indian, off the taxpayer, through taking them off the pay roll.

"Mr. Dodd on justification," page 1077, Interior Department appropriation bill, 1932, says:

Special studies are being made in connection with the educational program in the Five Civilized Tribes in an effort to get all pupils enrolled in the public schools.

Why give the situation special study now? This school condition has prevailed almost since the very day the bureau entered the field 25 years ago. The children are out of school to the number of more than 10,000. The problem is to get them in. The first step on the part of an Indian Commissioner who really intends to solve this situation, without studying a second, would be a wire to the supervisor of schools for the Five Tribes: "You are fired."

This supervisor has been on the job for 8 or 10 years, and 10,000 children are out of school to-day. Is this a recommendation for his continuation as supervisor of schools for the Five Tribes? You could give this man a standing army to go with the peacefully sitting crowd which he now has and hopes to have increased and present conditions will prevail next year, the next, and the next.

One man, with one clerk, one typewriter, one mimeograph, and common-sense administrative ability, can know, in advance of the opening of the public schools of Oklahoma in September each year, the number of children of school age in each school district, where they live, the exact post-office address of their parents, and within 10 days from the opening of school the number and names and exact location as to school district of every child not in school throughout his entire district. With this information before him, without leaving his office at any time during the school term, and without the additional appropriation of one penny, he can double the first year the school attendance of two dozen truancy officers on the ratio as reflected by "Mr. Dodd on justification." With some assistance from this crowd of Government field clerks, assistant field clerks, supervising field clerks, probate attorneys and assistants to the probate attorney, supervising probate attorneys, Government farmers, and supervising Government farmers, who are now sitting in their offices on hot and cold days, and out on the highways circling each other on pleasant motoring days, all these children could be placed in some school.

The record of the Indian Bureau in its educational success with the Five Tribes, recognized as the most advanced Indian tribes in the United States, like its activities touching their property, is a disgrace to the Federal Government.

The Indian Commissioner is due sharp criticism for refusing or neglecting to place the supervisor of Indian schools for the Five Tribes in the Interior bill in such a way that he could be instantly recognized and receive just and prompt consideration in the interest of the Indian and the taxpayer.



Mr. President, I have said something about the Indian Bureau. Perhaps I should be more specific. Of course, I do not intend to criticize employees of the bureau who are doing merely clerical work. I should not in any sense be understood as criticizing anyone in the Indian Bureau who has nothing to say about the policies prescribed and promulgated by that bureau. I made the statement on a former occasion that the Commissioner of Indian Affairs does not know what the pending bill contains. I stand upon that statement. I can not believe that any man of his ability, who has spent so much of his life in foreign lands taking care of helpless people, would have recommended this item if he understood it.

I criticize those in the Indian Bureau who are responsible for making these policies with a lack of knowledge. They do not know what conditions exist among the Indian reservations and among the Indian tribes that go to make up the wards of the United States.

I criticize the policy-making personnel of the Indian Bureau for making little if any effort to secure information upon which they could act.

I criticize the policy-making officials of the Indian Bureau for their unsympathetic attitude toward these defenseless citizens of our country.

I criticize them for having made wrong policies and now insisting that those policies should be continued. The Indian Bureau has come to that point where it is doing today what it did yesterday, what it did the day before, last week, last year, and always previously.

The only reason the Indian Bureau can give for this particular item is that the Indians have a little money, in the first place; and, in the second place, because the bureau did this last year and the year before that and still the year before that.

Mr. President, the Indian Bureau asserts frequently that it is unsupplied with finances, and consequently unable to render the service necessary to see that the Indian citizens are taken care of. I desire to invite the attention of the Senate to the personnel of the Indian Bureau here in Washington. I exhibit to the Senate a report just received from Commissioner Rhoads. The transmitting letter reads as

follows, being addressed to Hon. LYNN J. FRAZIER, United States Senate, and reading:

MY DEAR SENATOR: In compliance with the request contained in your letter of January 14, 1931, there is forwarded herewith a list showing the names, salaries, etc., of the personnel of this office employed in Washington.

In addition, there is attached a sheet showing the employees detailed to the office from the field who are paid from field appropriations, but whose headquarters are established in Washington.

Sincerely yours,

C. J. RHOADS, Commissioner.

This list contains the name of the man to whom I have had occasion to refer more than once, Samuel M. Dodd, jr., who holds the title of administrative officer and the positions of assistant to assistant commissioner, legislative clerk, and Budget officer. Mr. Dodd as the legislative clerk is the policy-making official so far as legislation is concerned. All the legislation goes through his hands. He has the last word to say upon it. Mr. Dodd is the Budget officer. All items of appropriation come to his supervision and are passed upon by him before they reach this body. As the Budget officer he controls the finances of the Indian Service. As the legislative clerk he controls the legislative policies now in force pertaining to our Indian citizens.

The list to which I have referred shows there are now employed in the Indian Bureau at Washington 232 employees. Of this number there are 8 Indian citizens. The Indian Bureau has spent millions of dollars to educate the Indian people. It has spent years of time and millions of dollars for colleges and academies, trying to make these Indian children, boys and girls, into self-supporting human beings, and yet after all these years these Indian wards have not received sufficient education that more than eight can be employed in the great Indian Bureau here in Washington.

Mr. President, I ask unanimous consent that this list, containing the personnel and showing the former address, the official title, nationality, length of service, salary, and the kind of work performed, may be inserted at this point in my address as if read in full.

THE VICE PRESIDENT. Without objection, it is so ordered.

The list referred to is as follows:

List of the personnel employed in the Indian Bureau, Washington, D. C.

Name	Former home address	Official title	Nationality	Length of service (appointed)	Salary	Kind of work performed
Rhoads, Charles J.	Pennsylvania	Commissioner of Indian Affairs.	American	July 1, 1929	\$9,000	Administration of Indian Affairs.
Scattergood, J. Henry	do	Assistant Commissioner of Indian Affairs.	do	do	7,500	Do.
Hauke, Charles F.	Washington	Administrative officer (chief clerk).	do	Mar. 30, 1899	3,800	In charge of office personnel and acts as commissioner and assistant commissioner during their absence.
Cooley, Abraham C.	Utah	Chief scientist (director of extension work).	do	Feb. 1, 1930	5,800	In charge of agriculture and industrial activities.
Ryan, W. Carson, jr.	Pennsylvania	Chief educationist (director of education).	do	Aug. 21, 1930	5,600	In charge of educational activities.
Stewart, Miss Mary	Ohio	Assistant director of education.	do	July 18, 1929	4,600	Assistant to director of education.
Reeves, John R.	Oklahoma	Senior counsel (attorney).	do	May 10, 1906	5,200	Chief counsel for the bureau.
Green, Robert P.	Kentucky	Senior administrative assistant.	do	Feb. 1, 1930	5,200	Assistant to commissioner, private secretary.
Dodd, Samuel M., jr.	Oklahoma	Administrative officer.	do	Apr. 2, 1917	3,800	Assistant to assistant commissioner and legislative clerk, Budget officer.
Dimick, Hamilton	Alabama	do	do	Sept. 2, 1889	3,800	Chief of finance division, directs accounting work in office and field.
Fry, Walter B.	District of Columbia	Administrative officer.	do	Apr. 27, 1895	3,800	Chief of purchase division, directs purchase of supplies for field service.
Garber, Benjamin S.	Virginia	do	do	June 1, 1903	3,800	Chief of administrative division; field personnel, field budgets; legislation, construction work.
Marschalk, Wm. A.	Florida	do	do	Oct. 29, 1894	3,800	Chief of land division; in charge of land matters.
Armstrong, Egbert J.	Maryland	Senior administrative assistant.	do	Oct. 13, 1919	3,300	Assistant to chief of administrative division.
Cecil, Charles H.	District of Columbia	do	do	Oct. 27, 1917	3,400	Inspector of textiles and clothing and correspondence clerks.
Dalker, Fred H.	do	do	do	Nov. 1, 1909	3,400	Chief of inspection division, directs work of field inspectors.
Eisenhart, Earl E.	Iowa	do	do	July 11, 1905	3,200	Chief of supplies section, purchase division; purchase of supplies for field service.
Govern, Frank	New York	do	do	July 21, 1891	3,300	Assistant to chief of finance division; directs accounting work in field service.
Gregg, Miss Elinor D.	Colorado	Senior administrative assistant; supervisor of nurses.	do	Aug. 1, 1924	3,700	Supervision of field nurses and hospitals.
Weekley, William D.	Ohio	Senior administrative assistant	do	Mar. 4, 1904	3,300	Assistant chief of land division.
Clark, Clyde F.	Arkansas	Administrative assistant	do	June 29, 1904	3,100	Assistant chief of purchase division.
Dawson, John E.	Massachusetts	do	do	Apr. 19, 1907	3,100	Chief of Five Tribes, Quapaw section; prepares correspondence pertaining to legal matters of these tribes.



## List of the personnel employed in the Indian Bureau, Washington, D. C.—Continued

Name	Former home address	Official title	Nationality	Length of service (appointed)	Salary	Kind of work performed
Higgins, Reginald H.	Massachusetts	Administrative assistant	American	Mar. 23, 1909	\$2,900	Acting chief, education division, supervises and prepares correspondence regarding educational matters.
Moose, Ernest R.	North Carolina	do	do	July 25, 1916	3,100	Chief, oil and gas section, land division; supervises and prepares correspondence relating to oil and gas leases, etc.; legislation.
Shipe, Harry W.	Pennsylvania	do	do	Mar. 12, 1894	3,100	Acting chief, extension division; assistant to director of extension work.
Shreve, Benjamin D.	Virginia	do	do	Oct. 26, 1908	3,000	Chief of sales section, land division; supervises and prepares correspondence relating to sale of Indian lands, etc., fee patents.
Stewart, James M.	Massachusetts	do	do	July 16, 1923	2,900	Chief of allotment section, land division; supervises and prepares correspondence relating to Indian allotments; legislation, etc.
Wooster, Dr. Walter M.	Virginia	do	do	Nov. 8, 1889	3,000	Chief of contracts section; land division; supervises and handles legal correspondence relating to suits against United States in Court of Claims; drafting legislation and reporting upon bills; applications for enrollment with Indian tribes, etc.
Barber, C. Arthur	New York	Junior administrative assistant	do	Nov. 1, 1909	2,900	Chief of employees' section; supervises and prepares correspondence pertaining to appointment and separation of field personnel; retirement, leave of absence, etc.
Ellis, Frank H.	Michigan	do	do	Apr. 17, 1907	2,900	Prepares correspondence and handles reimbursable accounts.
Ivins, Carrol H.	New Jersey	Junior administrative assistant (clerk).	do	June 4, 1907	2,700	Prepares correspondence pertaining to rights of way matters over Indian lands, etc.
Miner, Thomas D.	Washington	do	do	Oct. 1, 1909	2,700	Legal correspondence pertaining to irrigation matters.
Peter, Fannie I.	Illinois	do	do	Sept. 1, 1893	2,700	Handles legal correspondence pertaining to land matters.
Plake, James W. (Indian)	Nebraska	Junior administrative assistant	do	Feb. 25, 1898	3,000	Chief of accounts section, finance division; administrative audit of field officers' accounts.
Rapley, Mrs. Nellie S.	California	Junior administrative assistant (clerk).	do	Apr. 10, 1906	2,700	Handles legal correspondence pertaining to land matters, etc.
Schultz, George A.	Wisconsin	Junior administrative assistant	do	May 23, 1914	2,800	Chief of contracts section, purchase division; supervises and prepares correspondence pertaining to contracts awarded for supplies; transportation claims; makes recommendations regarding liquidated damage cases.
Shaw, William B.	Pennsylvania	do	do	June 24, 1897	2,900	Chief of bookkeeping section, finance division.
Shotwell, Clarence L.	Virginia	Assistant accountant auditor	do	Oct. 18, 1921	2,700	Assistant to field cost accountant; control accounts and expenditures irrigation projects.
Tranbarger, Fernando G.	Indiana	Junior administrative assistant (clerk).	do	Nov. 19, 1909	2,700	Legal correspondence; legislative matters relating to depredation claims, or treaty claims, etc.
Venning, John R.	Wisconsin	Junior administrative assistant	do	Mar. 24, 1902	2,900	Chief of section; supervises and prepares correspondence relating to law and order.
Wood, John S.	New York	Junior administrative assistant (clerk).	do	Sept. 2, 1913	2,700	Correspondence clerk; purchasing of supplies for field service.
Boone, Turin B.	Texas	Assistant attorney	do	Aug. 12, 1912	2,700	Legal correspondence; annuity payments, etc.
O'Neill, John B.	Oklahoma	do	do	July 1, 1903	2,700	Legal correspondence; Five Civilized Tribes.
McMahon, Edward S.	Connecticut	Associate attorney	do	June 5, 1911	3,300	Law clerk; reviewing legal correspondence.
Middleton, Arthur E.	Iowa	Associate engineer (architect)	do	Mar. 1, 1903	3,400	Assistant to chief supervisor of construction.
Pryse, E. Morgan	Washington	Associate scientist (forester)	do	June 12, 1923	3,300	Correspondence relating to conservation of forests and grazing lands.
Von Bayer, William H.	New York	do	do	July 27, 1910	3,300	Chief of forestry division; supervises correspondence relating to forestry matters; legislation, etc.
Flickinger, Samuel J.	New Jersey	Attorney	do	Nov. 9, 1917	4,000	Chief of irrigation division; legal correspondence relating to irrigation matters; legislation, estimates, etc.
Layne, William R.	Kentucky	do	do	Nov. 5, 1916	4,400	Assistant to senior attorney; reviews legal correspondence.
Allen, Winifred E.	Oklahoma	Senior library assistant	do	Sept. 5, 1905	2,200	Librarian; research work, historical data.
Vanderloo, Albert E.	District of Columbia	Senior engineering draftsman	do	June 29, 1928	2,100	Draftsman.
Coulson, Edward H.	Arizona	Chief engineering draftsman	Scotch	Jan. 9, 1928	2,700	do
Brown, Arthur W.	Missouri	Principal clerk	American	Apr. 13, 1901	2,500	Correspondence clerk, livestock.
Cade, Clarence D.	Alabama	do	do	May 22, 1917	2,500	Corresponds with field officers and others on various matters of accounting, adjustment of accounts, disbursing officers.
Calhoun, Charles F.	Pennsylvania	do	do	Dec. 1, 1889	2,500	Corresponds relating to supplies, assembling of data covering annual estimate blanks; prepares abstract books in which annual estimates are scheduled.
Cline, Robert C.	North Carolina	do	do	Sept. 8, 1890	2,500	Correspondence relating to assignments, extension of time, drilling contracts, oil and gas leases.
Collins, Miss Georgie A.	New York	do	do	Sept. 27, 1909	2,500	Correspondence clerk; subject matter relating to Indian schools, contract, and mission schools.
Emery, Charles B.	Pennsylvania	do	do	Nov. 14, 1917	2,500	Assistant to chief, bookkeeping section; principal bookkeeper for appropriation ledgers.
France, Floyd L.	Nebraska	do	do	Nov. 25, 1927	2,400	Preparation of correspondence for administrative work of allotting lands to Indians on reservations and public domain.
Gray, Norman A.	Maryland	do	do	Aug. 14, 1928	2,400	Correspondence clerk, applications for enrollment with Five Civilized Tribes and allotment claims of tribes; land titles.
Greenwood, Wm. B.	do	do	do	Oct. 1, 1920	2,500	Correspondence relating to designation of banks as depositaries for Indian funds; recovery of deposits in insolvent banks; corresponding with receivers, State bank officials, etc.
Pfeiffer, Melvin A.	do	do	do	May 28, 1908	2,500	Correspondence in connection with the allotment of tribal and purchased lands to Indians in severalty; preparation of legislation.
Pittenger, Homer	Missouri	do	do	Sept. 8, 1881	2,500	Prepares correspondence regarding purchase of supplies; analyzing bids.
Robinson, Marvin R.	Mississippi	do	do	Mar. 19, 1918	2,500	Correspondence with disbursing agents and Treasury Department regarding advances of funds to disbursing agents; analysis of deposits, requisitions for warrants necessary to place funds to credit of chief disbursing clerk of department for Indian Service disbursements.



## List of the personnel employed in the Indian Bureau, Washington, D. C.—Continued

Name	Former home address	Official title	Nationality	Length of service (appointed)	Salary	Kind of work performed
Simpson, Walter L.	Ohio	Principal clerk	American	Aug. 1, 1917	\$2,500	Chief of mails and files division; in charge of office files.
Smith, Edna Scott	New Hampshire	do	do	Sept. 1, 1900	2,400	Correspondence relating to affairs of Osage Indians; applications of restricted Indians for use of surplus funds with which to make loans, investments, purchase of residences, farms, livestock, etc.
Wolff, August C.	North Dakota	do	do	May 2, 1921	2,300	Correspondence regarding maintenance of law and order on Indian reservations, Indian citizenship, hunting and fishing rights, etc.
Baldwin, Marie L. (Indian)	Minnesota	Senior clerk	do	Feb. 20, 1904	2,300	Examination of transportation claims and conducts necessary correspondence in connection therewith.
Blandy, Emma V.	Delaware	do	do	June 25, 1904	2,200	Adjustment of exceptions to accounts of disbursing officers and prepares necessary correspondence.
Bridge, Helen V.	District of Columbia	do	do	Mar. 11, 1904	2,300	Correspondence regarding field personnel matters.
Brown, Frank E.	Texas	do	do	Aug. 1, 1916	2,100	Adjustment of exceptions to accounts of disbursing officers and preparation of necessary correspondence.
Butler, Troy J.	Oklahoma	do	do	Jan. 2, 1920	2,100	Correspondence regarding field personnel matters.
Carpenter, James D.	Alabama	do	do	May 20, 1907	2,000	Preparation of correspondence regarding sales of original and inherited Indian allotted lands; partition of inherited Indian lands, etc.
Cribbs, John C.	Virginia	do	do	June 23, 1926	2,100	Preparation of correspondence relative to justifications supporting estimates of appropriations for Indian health service; assembling data and compiles various statistical statements used in congressional reports, etc.
Greer, Thomas J.	Texas	do	do	May 22, 1922	2,000	Preparation of correspondence with individuals and field officials relative to sale of oil and gas mining leases, payment of royalties and bonuses thereunder; examination of mineral and business leases, etc.
Hallman, Walter C.	North Carolina	do	do	June 27, 1921	2,100	Adjustment of exceptions to accounts of disbursing agents and preparation of necessary correspondence.
Harper, Bessie C.	Pennsylvania	do	do	Nov. 1, 1894	2,300	Correspondence regarding field personnel matters.
Hutchison, James W.	Virginia	do	do	Feb. 18, 1921	2,100	Preparation of correspondence regarding field personnel.
Johnson, Lillian E.	do	do	do	Sept. 17, 1912	2,200	Examines reimbursable accounts covering equipment and stock purchased for Indians under reimbursable appropriations; conducts necessary correspondence.
Kibler, Godfrey L.	Minnesota	do	do	Sept. 28, 1927	2,000	Preparation of correspondence regarding Indian schools, administrative questions of finances, expenditures, courses of study, construction and repair of buildings, etc.
Lackey, John T.	Arizona	do	do	July 7, 1919	2,100	Chief of records section, land division; maintains records of Indian land titles.
McCaffrey, Mary C.	Virginia	do	do	Oct. 1, 1905	2,100	Preparation of contracts and bonds for supplies, building materials, etc.; examination of similar contracts sent in from field for approval; conducting necessary correspondence.
McMullen, Vincent M. (Indian)	District of Columbia	Senior clerk-stenographer	do	Dec. 25, 1914	2,100	Stenographer to commissioner and assistant commissioner and acts as private secretary during absence of assistant to commissioner.
Millisor, Berdine	Ohio	Senior clerk	do	Sept. 10, 1925	2,000	Preparation of correspondence regarding Indian schools, administrative questions of finances, expenditures, courses of study, etc.
Napier, Maud	Missouri	do	do	July 1, 1924	2,100	Preparation of bonds and contracts for supplies purchased; conducting necessary correspondence.
Paulus, George M., jr.	Wisconsin	do	do	Dec. 10, 1928	2,000	Prepares necessary correspondence on applications of Indians for fee title to their allotments and inherited lands; issuance of fee patents, certificates of competency, etc.
Phillips, Orla G.	New York	do	do	Dec. 11, 1905	2,100	General correspondence and preparation of cases involving approval of Indian land sales; partition of allotments of deceased Indians in accordance with their inherited interests.
Senior, Harry	do	do	do	Dec. 30, 1904	2,100	Correspondence relative to purchase of supplies for field service; abstracting bids.
Stenson, Ervine J.	Wisconsin	do	do	Dec. 8, 1919	2,300	Do.
Warning, Ethel	Kansas	do	do	June 18, 1920	2,100	Audits trial balance sheets rendered monthly by disbursing agents at 130 schools and agencies in field service.
Watson, Lewis R.	Maryland	do	do	May 20, 1918	2,300	Prepares claims for settlement; conducts necessary correspondence.
Williams, Jerome H.	District of Columbia	do	do	Mar. 2, 1928	2,500	Handles correspondence and performs necessary clerical work in connection with maintenance and upkeep of Indian agency plants, etc.
Wilson, Mervin L.	Tennessee	do	do	Mar. 13, 1919	2,300	Analyzes all expenditures of the service to show purpose for which made and records them by units and appropriations. Necessary correspondence.
Wingate, Carl J.	Florida	do	do	July 25, 1921	2,300	Assistant to chief of mails and files division, in charge of office files.
Bain, William M. (Indian)	New Mexico	Clerk	do	Sept. 5, 1927	1,800	Administrative examination of accounts of disbursing officers in Indian Service.
Black, Mildred I.	Pennsylvania	Clerk-stenographer	do	Oct. 4, 1920	1,860	Stenographer to chief of purchase division acts in secretarial capacity.
Blecker, Edna M.	Iowa	do	do	Aug. 21, 1922	1,800	Stenographer to chief of land division and assistant chief.
Boyle, Thomas M.	Maryland	Clerk	do	Apr. 1, 1920	1,800	Administrative examination of accounts of disbursing officers.
Brown, Flossie	North Carolina	do	do	May 2, 1918	1,920	Preparation of correspondence relative to activities of officers employed in enforcement of liquor and drug laws; granting of alcoholic permits to druggists, doctors, hospitals, etc.
Bryan, Ethel V.	Virginia	do	do	Oct. 1, 1912	2,100	Preparation of correspondence relating to nursing personnel; acts in secretarial capacity to supervisor of nurses.



## List of the personnel employed in the Indian Bureau, Washington, D. C.—Continued

Name	Former home address	Official title	Nationality	Length of service (appointed)	Salary	Kind of work performed
Burnham, Mark H.	Ohio	Clerk	American	Sept. 21, 1927	\$1,800	Prepares correspondence relating to certain classes of supplies for Indian Field Service.
Cox, Elizabeth C.	Virginia	Principal stenographer	do	Sept. 2, 1919	1,800	Stenographer and typist and file work.
Craycraft, Smith I.	Missouri	Clerk	do	Jan. 21, 1918	2,040	Analyzing expenditures by units and appropriations to show purposes for which made, and preparation from the record thus made of reports required by law to be submitted to Congress.
Ganna, Angelo C.	District of Columbia	Clerk-stenographer	do	Feb. 10, 1926	1,860	Stenographer and typist; assists with clerical work in preparing supporting schedules of estimates for Budget; briefing and filing decision of Comptroller General, etc.
Gantt, William L.	Louisiana	Clerk	do	Jan. 16, 1917	1,920	Prepares correspondence relating to licenses of Indian traders, bonds, etc.
Gilbert, Annie C.	Tennessee	do	do	May 18, 1898	1,800	Administrative examination of accounts of disbursing officers.
Gordon, Kenneth	District of Columbia	do	do	Oct. 4, 1928	1,860	Bookkeeper and operator of Underwood book-keeping machine.
Harrison, William W.	Virginia	do	do	Nov. 13, 1929	1,860	Administrative examination of accounts of disbursing officers.
Hitchcock, Emma S.	Alabama	do	do	June 30, 1914	1,860	Do.
Hurlbaus, Gwynn I.	District of Columbia	do	do	Aug. 20, 1930	1,800	Purchase of supplies and equipment for field units; preparation of necessary correspondence.
Joyner, Wilmer	Maryland	do	do	Nov. 2, 1910	2,040	Examination of surety bonds to determine legal sufficiency and acceptability as surety for banks designated as depositories for Indian moneys.
Kenny, Annie L.	Ohio	do	do	Oct. 31, 1904	1,860	Examination of lease for oil and gas mining covering restricted allotted and tribal lands in Five Civilized Tribes.
Maker, Leonard C.	Massachusetts	do	do	June 4, 1920	1,800	Examiner of Claims submitted for settlement;
Miller, Ralph S.	Pennsylvania	do	do	Dec. 14, 1910	2,100	Acts in secretarial capacity to chief clerk; requisitions for office supplies; time clerk.
Morgan, Brent M.	District of Columbia	do	do	June 16, 1917	1,800	File clerk and performs research work among old records for official and public use.
Moses, Ella L.	Minnesota	Clerk-stenographer	do	Nov. 21, 1910	1,920	Stenographer and typist and performs necessary secretarial work for chief of irrigation division.
Nunnenkamp, Agnes N.	Missouri	do	do	Mar. 24, 1927	1,800	Secretarial clerk to chief of administrative division; requisitions supplies for division; stenographer and typist.
Orozco, Charlotte N. (Indian)	Wisconsin	Clerk	do	Dec. 18, 1916	1,800	Examines school attendance reports, monthly and semiannual, from Indian boarding and day schools, public schools; prepares authorities for payment of tuition of Indian children in public schools.
Peake, Clarence H.	District of Columbia	do	do	July 11, 1927	1,800	Bookkeeper.
Pierce, Evelyn (Indian)	New York	Clerk-stenographer	do	Aug. 1, 1914	2,040	Acts in secretarial capacity to director of education, stenographer and typist, and performs necessary file work.
Ricketts, Edna M.	Ohio	Principal stenographer	do	Aug. 20, 1915	1,920	Stenographer and typist.
Ryland, Joseph N.	Kentucky	Clerk	do	June 1, 1908	2,040	Computation of tribal funds available for per capita distribution to Indians; checks tribal rolls; preparation of necessary correspondence.
Shaw, Lucy C.	District of Columbia	do	do	July 1, 1920	1,800	Analyzing expenditures by units and appropriations to show purposes for which made.
Stewart, Mary E.	Maryland	Principal stenographer	do	Oct. 23, 1919	1,860	Stenographer and typist.
Stover, Luther C.	Virginia	Clerk	do	May 23, 1921	1,920	Audits freight and passenger transportation bills to see that correct appropriations for payment therefor are used and prepares reports to field officers of charges against their allotments.
Swindell, Edward G., jr.	District of Columbia	do	do	Feb. 17, 1930	1,800	Preparation of correspondence on irrigation matters.
Traver, Mrs. Mary T.	do	Clerk-stenographer	do	Apr. 19, 1923	1,920	Stenographer and typist to assistant to assistant commissioner; file work; keeps record of legislation.
Ware, Lida V.	Maryland	Clerk	do	June 5, 1920	1,800	Analyzing expenditures by units and appropriations for which made as required by law.
White, Flossie	Kentucky	do	do	Mar. 26, 1928	1,920	Preparation of statistical reports.
Willmetts, Terese R.	Rhode Island	Principal stenographer	do	Feb. 4, 1918	1,800	Stenographer and typist.
Acker, Susie S.	District of Columbia	Assistant clerk	do	July 15, 1918	1,740	Indexing and marking papers for filing; entering on cards from certificates of settlement of General Accounting Office and chief disbursing clerks symbols and amounts of various appropriations.
Booth, Julia M.	Texas	do	do	Nov. 19, 1915	1,800	Stenographer and typist.
Brunette, Joyce C. (Indian)	Minnesota	Senior stenographer	do	Jan. 24, 1927	1,680	Do.
Cranford, Charles W.	Oklahoma	Assistant clerk	do	July 27, 1920	1,620	File clerk.
Cunningham, Winifred	Iowa	Senior stenographer	do	Sept. 10, 1908	1,680	Stenographer and typist.
Dickinson, Charlotte	Nebraska	do	do	Aug. 1, 1927	1,680	Do.
Fowler, Gladys M.	Virginia	do	do	Mar. 17, 1927	1,680	Do.
Gillespie, Elizabeth R.	Kentucky	do	do	May 27, 1925	1,680	Do.
Glenn, Alonzo M.	Mississippi	Assistant clerk	do	Apr. 1, 1916	1,620	Final file clerk.
Harrison, Lura E.	Ohio	Senior stenographer	do	July 1, 1930	1,680	Stenographer and typist.
Head, Florence N.	Wisconsin	Assistant clerk	do	Apr. 29, 1903	1,740	Final file clerk.
Hitt, Fred R.	Oklahoma	do	do	July 26, 1927	1,800	Administrative examination of freight, express, and passenger claims.
Horwitz, Harry	New Jersey	Senior stenographer	do	May 7, 1917	1,800	Stenographer and typist.
Hunt, Metta M.	New York	do	do	May 9, 1919	1,680	Do.
Ingles, Charles J.	Minnesota	Assistant clerk	do	Sept. 16, 1907	1,800	File clerk.
Jenkins, Minerva P.	Wisconsin	do	do	July 1, 1910	1,740	Do.
Jones, Sallie G.	Georgia	do	do	Oct. 20, 1910	1,740	Do.
Keech, Susan P.	Maryland	do	do	July 2, 1895	1,800	Records changes in status on field personnel cards.
Kerstetter, Leo D.	do	do	do	Mar. 16, 1922	1,620	File clerk.
Kinne, Clara B.	New York	do	do	June 21, 1907	1,680	Stenographer and typist.
Larkin, William W.	Virginia	Senior stenographer	do	Aug. 29, 1921	1,740	Do.
McManus, Rachel P.	Wyoming	do	do	May 27, 1929	1,620	Do.
Millard, Fannie	District of Columbia	do	do	Aug. 17, 1918	1,800	Do.
Mohon, John	Florida	Assistant clerk	do	Feb. 9, 1920	1,740	Do.
Morrison, Lavinia	Virginia	Senior stenographer	do	July 1, 1920	1,800	Do.
Perry, John M.	Oklahoma	Assistant clerk	do	June 16, 1919	1,740	File clerk.
Putnam, Rufus S.	Ohio	Senior stenographer	do	Dec. 23, 1889	1,920	Stenographer and typist.
Skye, Amelia (Indian)	North Dakota	do	do	July 5, 1928	1,620	Do.
Slechta, Marie	Iowa	do	do	Mar. 8, 1919	1,740	Do.



## List of the personnel employed in the Indian Bureau, Washington, D. C.—Continued

Name	Former home address	Official title	Nationality	Length of service (appointed)	Salary	Kind of work performed
Smith, Foster K.	Texas	Senior stenographer	American	Apr. 7, 1925	\$1,740	Stenography and typewriting.
Spragg, Mary A.	District of Columbia	Assistant clerk	do	Mar. 19, 1920	1,680	Miscellaneous clerical duties in connection with land sales.
Tilden, Anita S.	Maine	do	do	Apr. 2, 1928	1,680	Stenographer and typist.
Tranbarger, Grace G.	District of Columbia	Senior stenographer	do	Feb. 1, 1921	1,680	Stenography and typewriting.
Vanderlip, Harmon G.	do	Assistant clerk	do	Aug. 27, 1918	1,620	File clerk.
Weaver, Dora E.	Maryland	do	do	Oct. 23, 1929	1,620	Stenography and typewriting.
Westbrooke, Lillian E.	Texas	Senior stenographer	do	Nov. 20, 1917	1,680	Do.
Williams, Gwen	Pennsylvania	Assistant clerk	do	Oct. 9, 1909	1,680	Personnel work in connection with retirement matters; refunds, etc.
Compton, Anna Mae	District of Columbia	Junior operator office devices	do	May 19, 1930	1,440	Punch card and tabulating machine operator
Crook, Carlyle	Maryland	Senior typist	do	Jan. 12, 1924	1,620	Typist, briefing incoming mail.
Farrington, Jane C.	New York	Junior stenographer	do	July 16, 1920	1,620	Stenography and typewriting.
Fischer, Mrs. Freda M.	District of Columbia	Junior operator of office devices	German	Mar. 19, 1930	1,440	Punch card and tabulating machine operator.
Hall, Mary H.	New Mexico	Junior stenographer	American	Dec. 10, 1929	1,440	Stenography and typewriting.
Jones, Ruby I. (Indian)	Oklahoma	do	do	Oct. 24, 1928	1,500	Do.
Kyer, T. Glenn	West Virginia	Junior clerk	do	July 1, 1930	1,440	File clerk.
Little, Mabel	Virginia	Junior stenographer	do	Aug. 11, 1919	1,680	Stenography and typing.
McCrea, Philip H.	Illinois	Senior typist	do	Aug. 1, 1928	1,440	Typing; briefing incoming mail.
Mann, Doris E.	District of Columbia	Junior stenographer	do	June 24, 1930	1,440	Stenography and typewriting.
Miller, Cintha J.	Missouri	do	do	Jan. 19, 1928	1,560	Do.
Miller, David	District of Columbia	Junior clerk	do	Aug. 1, 1921	1,620	Notes changes on records affecting status of Indian lands.
Potter, Gordon V.	do	do	do	Apr. 1, 1930	1,440	File clerk.
Roy, Rosa B.	do	Junior stenographer	do	July 19, 1920	1,500	Stenography and typing.
Ryan, Bessie (temporary)	Pennsylvania	Junior clerk	do	Jan. 12, 1931	1,440	Statistical clerk, coding of census reports.
Skidmore, Christine C.	South Carolina	do	do	July 7, 1930	1,440	Statistical clerk. Coding of census reports and birth and death schedules for use in punching tabulating cards.
Vaccaro, Mary J.	District of Columbia	Junior operator of office devices	do	May 19, 1930	1,440	Punch card and tabulating machine operator.
Wean, Pauline E.	Virginia	Senior typist	do	Nov. 1, 1920	1,500	Typewriting.
Day, Blanche R.	do	Underoperator of office devices	do	Aug. 18, 1930	1,290	Punch card machine operator.
Kern, Marian B.	District of Columbia	Underclerk	do	Dec. 16, 1919	1,560	File clerk.
Musser, Kate G.	do	do	do	June 19, 1929	1,290	Do.
Rubenstein, Helen R.	do	Underoperator of office devices	do	Apr. 15, 1930	1,290	Punch card machine operator.
Ruffner, Daisy D.	do	do	do	Jan. 1, 1931	1,260	Operator of card-punching machine.
Torrey, Earl G.	Michigan	Associate attorney	do	Dec. 1, 1913	3,300	Chief of probate division.
Triplet, Catus E.	do	Assistant attorney	do	July 16, 1914	2,700	Prepares and reviews probate cases.
Lowe, Louis	District of Columbia	do	do	Dec. 7, 1909	2,700	Do.
Worrell, Margaret H.	Pennsylvania	do	do	Oct. 11, 1912	2,600	Do.
Murphy, Rose A.	Vermont	Assistant clerk-stenographer	do	Apr. 1, 1920	1,740	Stenography and typewriting.
Hanley, Claude A.	Maryland	Assistant clerk	do	Mar. 5, 1923	1,680	Searching of records and notes changes on records affecting status of Indian lands.
Brooks, Thomas	District of Columbia	Head messenger	do	Oct. 13, 1922	1,380	Directs messenger work.
Blake, George M.	Arkansas	Messenger	do	Mar. 1, 1920	1,320	Messenger work.
Jones, Charles E.	District of Columbia	do	do	Nov. 13, 1922	1,260	Do.
Bell, Benjamin F.	do	Assistant messenger	do	Feb. 16, 1927	1,140	Do.
Greenfield, Grant B.	Maryland	do	do	Feb. 23, 1928	1,140	Do.
McCoy, Lillie	Virginia	Clerk	do	Mar. 12, 1900	1,920	Prepares correspondence relative to development Indian art and handicraft and marketing of same.
White, Dr. Lawrence W.	Texas	Senior medical officer	do	Nov. 8, 1902	4,600	Assistant to chief medical director.
Reed, Mrs. May M.	Arkansas	Junior administrative assistant	do	Apr. 28, 1930	2,600	Statistician.
Boswell, Russell T.	Pennsylvania	Senior clerk	do	Feb. 1, 1906	2,000	Preparation of bonds and contracts for purchase of supplies; correspondence.
Brown, Jennie	Maryland	Clerk	do	Nov. 24, 1888	1,800	Administrative examination of disbursing officers' accounts.
Robinson, Virginia A.	Oklahoma	Clerk-stenographer	do	Jan. 10, 1910	1,860	Stenographer and clerk and miscellaneous filing.
Groves, Miss Edna <sup>1</sup>	Oregon	Supervisor of home economics	do	July 1, 1922	4,600	Supervision of home economics.
Brandt, Rose K. <sup>1</sup>	Montana	Supervisor of elementary education	do	May 10, 1929	4,600	Supervision of elementary education.
Kinney, Jay P. <sup>1</sup>	New York	Chief Forester	do	July 2, 1906	5,800	Supervision of forestry matters.
Holst, John H. <sup>1</sup>	California	Supervisor of schools	do	July 11, 1928	4,600	Supervision of education in Indian schools.
Arentson, James <sup>1</sup>	Tennessee	Supervisor of trades and industrial training	do	July 10, 1930	4,600	Supervision of industrial training of Indian students.
Kroeger, Muriel L.	Pennsylvania	Assistant clerk-stenographer	do	July 22, 1930	1,620	Stenography and typewriting.
Trott, David C.	do	Chief supervisor of construction	do	Apr. 2, 1930	5,000	Supervision of construction work in Indian Service.
Stamm, Hans R.	Connecticut	Superintendent of construction	do	Apr. 1, 1929	3,800	Do.
Hutchison, Hugh B.	Maryland	Assistant clerk-stenographer	do	Apr. 8, 1930	1,620	Stenography and typewriting and miscellaneous clerical duties.
Cederstrand, Carl L.	do	Associate draftsman	do	Oct. 27, 1930	3,200	Drafting of plans and specifications.
Allen, Arthur O. (Indian)	Oklahoma	Assistant construction foreman	do	Oct. 24, 1927	2,100	Draftsman.
Poynton, Edward A.	District of Columbia	Superintendent of construction	do	May 6, 1930	3,200	Estimator and specifications.
Platt, James H.	do	do	do	May 21, 1930	3,800	Mechanical equipment.
Mylius, Carl (temporary)	Georgia	Assistant draftsman	do	Sept. 22, 1930	2,600	Draftsman.
Cronstrom, Mabel	Wisconsin	Assistant clerk-stenographer	do	Mar. 7, 1929	1,620	Stenography and typewriting and miscellaneous file work.
Edwards, Mrs. Rubye E. (Indian)	South Carolina	Assistant clerk	do	Sept. 4, 1925	1,620	Stenography and typewriting.
Tolene, Marie G.	do	do	do	Nov. 20, 1918	1,740	Do.
Lansdale, Robert P. <sup>1</sup>	New Jersey	Field representative	do	Feb. 17, 1930	5,000	Field representative—personnel.
McGair, Mary P. <sup>1</sup>	Rhode Island	do	do	Nov. 30, 1930	3,800	Field representative.
Berry, Charles H. <sup>1</sup>	Missouri	do	do	do	3,800	Do.
Bates, Dr. Erl. A. (temporary) <sup>1</sup>	New York	do	do	June 23, 1930	3,800	Do.
Thompson, Samuel H. <sup>1</sup>	Tennessee	Supervisor of Indian education	do	Feb. 25, 1929	4,600	Supervision of education in Indian schools.
Post, William S. <sup>1</sup>	California	Director of irrigation	do	(?)	5,600	Irrigation matters.
Guthrie, Dr. M. C. <sup>1</sup>	North Carolina	Senior surgeon, U. S. Public Health Service.	do	Aug. 26, 1905 <sup>4</sup> Mar. 27, 1926 <sup>4</sup>	4,900 <sup>4</sup> 1,440 <sup>4</sup> 657 <sup>5</sup>	Chief medical director.
Bryan, Dr. Wm. <sup>1</sup>	Georgia	do	do	June 25, 1906 <sup>4</sup> Sept. 18, 1930 <sup>4</sup>	(?)	Director of hospitals.

<sup>1</sup> In field greater part of time.<sup>2</sup> Will enter on duty in few days.<sup>3</sup> Salary paid by U. S. Public Health Service.<sup>4</sup> U. S. Public Health Service.<sup>5</sup> Base pay and longevity.<sup>6</sup> Indian Service.<sup>7</sup> Commutation in lieu of quarters.<sup>8</sup> Ration allowance.<sup>9</sup> Same as Doctor Guthrie.



Mr. THOMAS of Oklahoma. Mr. President, I desire now to draw a comparison between the way the Indian Bureau spends the public money and the way it spends the money of these Indian tribes. I desire to draw this comparison between expenditures made for the support of the Five Civilized Tribes Agency at Muskogee and the support of the Osage Agency at Pawhuska, Okla.

The Five Civilized Tribes Agency, located at Muskogee, has under its jurisdiction more than 100,000 Indians. It is supported by Federal funds. So far as this report shows, the Indian Bureau is somewhat penurious in taking care of this agency out of Federal funds in comparison to its expenditures from the private funds of the Osage Tribe. I desire to call attention to this discrepancy. In order to do so I may state that I have not had a chance to make the comparison, and therefore read from the letter signed by W. J. Supernaw, written at Skiatook, Okla., on December 29, 1930. I quote a portion of his letter, as follows:

I notice in the hearings before the House and in the bill as referred to the Senate Appropriations Committee an item of \$262,000 "for the support of the Osage Agency and for necessary expense in connection with oil and gas production on the Osage Reservation, Okla., including pay of necessary employees, the tribal attorney and his stenographer, one special attorney in tax and other matters, and pay of tribal officers; repairs to buildings, rent of quarters for employees, traveling expenses, printing, telegraphing and telephoning, and purchase, repair, and operation of automobiles—payable from funds held by the United States in trust for the Osage Tribe of Indians in Oklahoma.

"For expenses incurred in connection with visits to Washington, D. C., by the Osage Tribal Council and other members of said tribe, when duly authorized or approved by the Secretary of the Interior, \$5,000, to be paid from the funds held by the United States in trust for the Osage Tribe."

The combined items total appropriations of \$267,000 from Osage moneys to take care of the administration of our affairs over the fiscal year ending June 30, 1932.

Continuing to read from the letter:

In the operation of the Osage Agency approximately 90 employees are required. The Five Tribes used 127 last year, at a cost to the Government of \$288,885.43, just \$15,885.43 above the amount it is proposed to use in supervising or administering the Osage Tribe or its tribal affairs during the fiscal year 1932. This does not look just right, does it? There is either reckless expenditure in one instance or niggardly economy in the other.

Down in the Five Tribes, I understand, the officials of the Government have to do a great amount of personal-service work with the Indians—take them to hospitals when they get sick, gather up their children and take them to and from schools (particularly Government schools), and teach them how to plant, plow, sow, and reap.

I have been a member of the Osage Tribe through marriage almost a quarter of a century. I have done my own plowing or had it done without the aid or advice of either the Government farm agent or county farm demonstrator. I have kept my children regularly in school without advice or suggestion from school authorities from either of the above sources and provided them with proper medical attention without aid or advice from the Government or State.

I now submit a comparison of the expenses of the Five Tribes and the Osage Tribe, as follows:

Comparison of expenses of Five Tribes and Osage Tribe

	Five Tribes	Osage Tribe
Number of acres of land allotted to members.....	15,794,205	1,470,640
Number counties included in area.....	39	1
Number enrolled members (Indian).....	101,506	2,229
Number now restricted or full-blood members.....	12,000	650
Number now restricted or full-blood minor members.....	13,000	
Estimated number acres restricted land.....	1,739,179	400,000
Total number Government employees.....	127	90
Number subagencies (field offices).....	11	3
Number probate attorneys (field and office).....	9	1
Number Government farmers.....	4	0
Number quarters furnished employees.....	0	All.
Operating cost, Five Tribes, report of superintendent to subcommittee, fiscal year ended June 30, 1930.....	\$282,886	
Estimate asked for, out of tribal funds of Osages, fiscal year ending 1932.....		\$267,000
Per capita cost of supervision or administration, Five Tribes:		
Including minors, less than.....	\$12	
Excluding minors, less than.....	\$25	
Per capita cost, Osages, under 1932 estimate.....		\$410

Quoting from commissioner's report, page 30:

The cashier for the Five Civilized Tribes handled during the year a total of \$44,915,910.64, including receipts and disbursements of all classes of funds.

Bottom of page 1201, House hearings, touching receipts, Osage Agency:

Total for fiscal year..... \$4,960,068.01

Mr. President, a few moments ago I had something to say about the supervisor of education working out of the Muskogee office. Congress last winter appropriated from the private funds of the Seminole Indians money with which to keep the Mekusukey Academy. In April of the present fiscal year the department asked for the money; Congress granted the bureau the money with which to keep this school open, and in the regular course of events the Indian Office placed an order for food for the students at this academy to keep it going for 12 months. The order was placed, the food was purchased and shipped to the Mekusukey Academy at Seminole, Okla. Two or three carloads of canned goods and crates and boxes of other goods were shipped to this academy and stored in the storehouse, ready for the ensuing school year, which was to begin the following September, 1930. After the goods had been purchased, after they had been paid for, after they had been stored in the academy, through some influence, I know not what, the Indian Bureau decided not to open this school and issued an order that the school should be closed. The school was not opened last fall, yet the superintendent was retained there at the school as a sort of caretaker, and all the time all these goods were in the storehouse. In addition to the goods in cans and in boxes, such as 51 cases of canned apples, 22 cases and buckets of apple butter, 4 pounds of allspice, and 2 cases of dried apricots, there are figures given as to the quantity of beans, blackberries, cherries, cloves, including corn meal, 10 hundredweight—half a ton of corn meal—97 hundredweight of flour, 5 buckets of oleo-margarine—these are perishable supplies—375 gallons of corn sirup, and 4,400 pounds of sugar.

Mr. President, when the committee made its tour of Oklahoma in November, some four or five months after the school was closed we visited Mekusukey, and when we got to the little school and made our investigation we were amazed to find that these supplies were still in storage. The superintendent told us that he had no orders for their disposition; that the goods were becoming spoiled; that the mice and rats were in the meal, in the sugar, and in the other supplies. I submit that as one concrete illustration of the inefficiency of some one in the bureau.

At the same time, Mr. President, we found this condition at Mekusukey we found dozens of Seminole Indians in the neighborhood reported to us to be in need, in want of food, actually in distress. We called the attention of the Indian Office to this condition. That office did not seem to know about it.

Mr. Dodd, who supervises the finances, who controls the financial policy of the Indian Service, who controls the legislative policy, so far as recommendations are concerned, with all of his 232 employees in the Indian Service, had lost track of the carloads of supplies at this abandoned Indian school, and these supplies were there going to waste because of the inattention of the Indian Bureau.

Mr. President, I ask unanimous consent to have inserted in the RECORD at this point in my remarks a copy of a letter addressed by the superintendent of this school to the superintendent of education at Muskogee, being a letter from Mr. Asendorf, superintendent, to Mr. Herbert C. Calhoun at Muskogee.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,  
INDIAN FIELD SERVICE,

Mekusukey Academy, Seminole, Okla., November 13, 1930.

Mr. HERBERT C. CALHOUN,

Supervisor F. C. T., Muskogee, Okla.

DEAR Mr. CALHOUN: The Senate investigating committee has to-day requested me to furnish them with a list of the property and stores of this school that are movable. I did not get this word until afternoon to-day and have hurried to get this off to you in order that it might be presented to them during their stay in Muskogee. Will you please see that they are delivered?



Neither list is an exact list for the reason that the stores cards had not been posted to date, and, further, for the reason that property of an immovable nature was not listed; e. g., water heaters, etc. It was not possible to list the prices of the stores for the reason that a great many of these articles have not as yet been invoiced to us and we therefore have no knowledge of their cost.

Each list consists of five pages, and I am sending them to you in duplicate so that in case they desire only one copy you may keep the other for your files if you so desire.

Thanking you in advance for this favor, I am,

Very sincerely yours,

ALBERT ASENDORF, *Superintendent.*

STORES—MEKUSUKEY ACADEMY—NOVEMBER 13, 1930

Apples, canned, 51 cases.  
 Apple butter in cases and buckets, 22 cases and buckets.  
 Allspice, 4 pounds.  
 Apricots, dried, 2 cases.  
 Barley, pearl, 1 hundredweight.  
 Beans, pink, 15 hundredweights.  
 Beans, red, 20 hundredweights.  
 Beans, white, 5 hundredweights.  
 Blackberries, 43 cases.  
 Beans, canned, green, 37 cases.  
 Baking powder, 200 pounds.  
 Catsup, 4 cases.  
 Cherries, red, 23 cases.  
 Cinnamon, 4 pounds.  
 Cloves, ground, 2 pounds.  
 Coffee, cereal, 524 pounds.  
 Coffee, roasted, 150 pounds.  
 Cocoa, 24 pounds.  
 Corn, canned, 62 cases.  
 Cornmeal, 10 hundredweights.  
 Cornstarch, 169 pounds.  
 Cornstarch, 48 pounds.  
 Cereals, 17 cases.  
 Dried beef, 1 case.  
 Flour, 97 hundredweights.  
 Ginger, 5 pounds.  
 Hominy, pearl, 2 hundredweights.  
 Hard bread, 20 boxes.  
 Honey, 2 cases.  
 Kraut, 26 cases.  
 Macaroni, 27 cases.  
 Macaroni, 4 cases.  
 Milk, evaporated, 4 cases.  
 Matches, safety, 6 10/12 gross.  
 Mustard, prepared, 5 cases.  
 Nutmegs, whole, 4 pounds.  
 Oats, rolled, 10 cases.  
 Jam, assorted, 26 cases.  
 Oleomargarine, 5 buckets.  
 Olives, stuffed, 3 cases.  
 Oysters, canned, 8 cases.  
 Oil, salad, 9 quarts.  
 Paprika, ground, 3 tins.  
 Peaches, canned, 1 case.  
 Pears, canned, 18 cases.  
 Peas, canned, 3 cases.  
 Pepper, red, 3 1/2 pounds.  
 Pumpkin, canned, 14 cases.  
 Plums, canned, 2 cases.  
 Peanut butter, 19 buckets.  
 Raisins, seedless, 2 cases.  
 Rice, 1 hundredweight.  
 Salt, coarse, 4 hundredweight.  
 Salmon, canned, 17 cases.  
 Salt, table, 9 sacks.  
 Spinach, canned, 13 cases.  
 Shrimp, dried, 4 cases.  
 Sirup, corn, 375 gallons.  
 Sugar, powdered, 3 cases.  
 Sugar, granulated, 44 hundredweight.  
 Tuna fish, 3 cases.  
 Tea, 10 pounds.  
 Vinegar, 50 gallons.  
 Bath brick, 19.  
 Bluing, 47 boxes.  
 Brooms, floor, 16.  
 Brooms, household, 45.  
 Brooms, stable, 9.  
 Brushes, floor, 5.  
 Brushes, window, 3.  
 Brushes, shoe, 10 1/4 dozen.  
 Brushes, military, 240.  
 Dusters, counter, 1.  
 Mops, oil, 4.  
 Mopsticks, 10.  
 Pans, dust, 9.  
 Soap, chip, 50 pounds.  
 Soap, laundry, 15 cases.  
 Soap, grit, 137 cakes.  
 Soap, scouring compound, 200 pounds.  
 Scouring powder, 250 pounds.  
 Starch, laundry, 350 pounds.  
 Washboards, 4.  
 Lye, 10 dozen cans.

Crash, toweling, 500 yards.  
 Crossbar, white, 200 yards.  
 Flannel, outing, 200 yards.  
 Linen, table, 60 yards.  
 Linen, India, 20 yards.  
 Sateen, gray, 50 yards.  
 Sheeting, brown 4/4, 200 yards.  
 Toweling, bath, 100 yards.  
 Shade cloth, window, light, 100 yards.  
 Window-shade rollers, 25.  
 Stocking feet, black, 10 dozen.  
 Stocking feet, brown, 10 dozen.  
 Gloves, canvas, boys, 48 pairs.  
 Gloves, canvas, mens, 36 pairs.  
 Brushes, clothes, 22.  
 Brushes, hair, 221.  
 Brushes, tooth, 8 dozen.  
 Brushes, tooth, children, 10 dozen.  
 Buttons, shirt, aluminum, 20 gross.  
 Combs, dressing, 20 dozen.  
 Combs, fine, 4 dozen.  
 Cotton, darning (assorted colors), 18 dozen.  
 Cotton, spool, white, 55 dozen.  
 Cotton, spool, black, 30 dozen.  
 Cotton, spool, khaki, 5 dozen.  
 Laces, shoe, 20 dozen.  
 Paper, toilet, 8 cases.  
 Silk, machine, sewing, 10 dozen.  
 Snap, fasteners (assorted), 40 gross.  
 Thread, linen, assorted colors, 6 dozen.  
 Pins, S. C., 10 sizes.  
 Khaki, cotton, O. D., 100 yards.  
 Boots, rubber, assorted sizes, 10 pairs.  
 Pitchers, washbowls, 5.  
 Clothes baskets, 12.  
 Sticks, mop, 5 dozen.  
 Bedsteads, iron, white, double, 8.  
 Desks, teachers, 2.  
 Stools, wood, 10 dozen.  
 Handles, spade, short and long, 2 dozen.  
 Spades, steel, 10.  
 Clevises, for eveners, 20.  
 Eveners, hickory, 4.  
 Whiffletrees, full ironed, 10.  
 Glass, window, assorted sizes, 11 boxes.  
 Oil, boiled linseed, 10 gallons.  
 Tints for painting, assorted colors, 50 pounds.  
 Japan drier, 20 gallons.  
 Paint, oak stain, 5 gallons.  
 Paint, Princess mineral, 25 pounds.  
 Turpentine, 25 gallons.  
 Varnish, interior, 10 gallons.  
 Grease, axle, 30 pounds.  
 Grease, cup, 48 pounds.  
 Crock, earthenware, with covers, 2 and 3 gallon, 14.  
 Buckets, galvanized, 23.  
 Cake turners, 3.  
 Cups, measuring, 8.  
 Funnels, tin, 2.  
 Funnels, tin, 13.  
 Forks, cooking, 25.  
 Knives, paring, 12.  
 Knives, skinning, 2.  
 Knives, chopping, 5.  
 Kettles, tea, 2.  
 Mashers, potato, 3.  
 Pans, fry, 1.  
 Pans, assorted, 21.  
 Pans, milk, 12.  
 Pails, water, 6.  
 Scoops, grocers, 6.  
 Scoops, grain, 3.  
 Spoons, basting, 30.  
 Steels, butchers, 1.  
 Strainers, sink, 3.  
 Tops for fruit jars, 4 dozen.  
 Burners, lamp No. 2, 19.  
 Bowls, soup, 2.  
 Bowls, wash, 3.  
 Chambers, white, 1.  
 Lamp chimneys, 109.  
 Lamp chimneys No. 4, 50.  
 Dishes, meat, 8.  
 Globes for street lamp, 2.  
 Globes, lantern, 27.  
 Jugs, 15.  
 Lanterns, tubular, 1.  
 Pan, ice, 1.  
 Pitchers, glass sirup, 7.  
 Wicks, lamp, assorted, 31.  
 Axes, chopping, 3.  
 Bags, cavalry ration, 40.  
 Bevels, sliding, 1.  
 Blades, butchers' saw, 3.  
 Bibbs, lever handle, 6.  
 Bibbs, compression, 12.  
 Butts, 3 dozen.  
 Chisels, assorted sizes, 14.

Clippers, barber, 2.  
 Dividers, wing, 3.  
 Elbows, stovepipe, 2.  
 Forks, manure, 10.  
 Frames, hacksaw, 2.  
 Files, assorted, 23.  
 Gouges, assorted sizes, 3.  
 Globes, valve, 15.  
 Handles, ax, 24.  
 Handles, hammer, assorted, 44.  
 Handles, file, 8.  
 Handles, hay fork, 7.  
 Handles, hatchet, 22.  
 Handles, plow, 10.  
 Handles, shovel, 4.  
 Handles, sledge, 3.  
 Handles, hatchet, 2.  
 Hammers, 3.  
 Hasps, 31.  
 Hinges, 6.  
 Hoes, grub, 2.  
 Hooks, meat, 14.  
 Irons, sad, 2 dozen.  
 Knives, draw gauge, 2.  
 Lines, chalk, 5.  
 Lines, clothes, 300 feet.  
 Mallets, carpenters, 2.  
 Nozzles, hose, 3/4-inch, 3.  
 Oilers, mowing machines, 18.  
 Padlocks, inside, 1.  
 Picks, 1.  
 Plumbers friend, 10.  
 Punches, harness, 1.  
 Pliers, 14.  
 Rakes, lawn, 1.  
 Rakes, steel, 2.  
 Rasps, wood, 22.  
 Rivets, assorted, 12 pounds.  
 Rope, manila, 32 pounds.  
 Sandpaper, 5 quires.  
 Screw drivers, 4.  
 Screws, steel, 8 gross.  
 Squares, try, 4.  
 Saw, meat, butcher, 1.  
 Saw set, crosscut, 1.  
 Shovels, square point, 2.  
 Takes, blued, 2 1/2 pounds.  
 Twine, sisal, 100 pounds.  
 Wrenches, assorted, 6.  
 Wrenches, pipe, 2.  
 Bolts, assorted, 1,250.  
 Zinc, sheet, 50 pounds.  
 Cloth, wire for screens, 9 rolls.  
 Awls, sewing, 1 dozen.  
 Knives, shoe, 6 dozen.  
 Nails, cobblers, assorted, 3 pounds.  
 Leather, harness, 13 pounds.  
 Leather, oak, backs, 58 1/2 pounds.  
 Cinchas, 3.  
 Sweat pads, 10.  
 Knives, harness, 1.  
 Cord, flexible, for electric lamp, 500 feet.  
 Boots, automobile, 3.  
 Cement, radiator, 4 cans.  
 Gaskets, cylinder head (Ford), 3.  
 Hydrometer, battery, 1.  
 Lamps, electric, 84.  
 Tubes, inner, 4.50 by 21, 5.  
 Tubes, inner, 30 by 5, 2.  
 Tubes, inner, auto, 3.  
 Tube repair material, 2 cans.  
 Wires for Ford w/ starter, 2.

*Fixed property, Mekusukey Academy, November 13, 1930*

1 automobile, Ford tudor (D. S. Rep.)	\$541.40
1 automobile, Chevrolet truck	771.00
1 automobile, Ford coach	607.85
1 augur bit	1.25
1 anvil	13.87
2 augurs, 1 1/4 and 1 1/2	2.20
Books, miscellaneous	480.04
1 basket, wire trash	3.91
2 bedsteads, double, white	15.10
4 bedsteads, double	44.25
110 bedsteads, single	548.60
1 bell, school, 300 pounds	16.95
4 benches, manual training	88.00
633 blankets, mixed	1,662.45
100 blankets, wool and cotton mixed	340.00
2 braces, ratchet	4.80
1 bread mixer, with motor	167.46
1 bread slicer	17.85
1 bin, food receptacle, 66 by 30 by 28	16.00
7 bins, food receptacle, 20 by 30 by 28	56.00
1 binder, corn, one row	128.25
1 bit, expansion	2.50
1 blower, blacksmith	9.43
1 brace, corner	6.50

1 brace, ratchet	\$1.24
2 braces, ratchet	2.26
1 brooder, oil burning	13.50
3 boilers, wash	4.20
1 boiler, cooking, double	6.95
1 boiler, cooking, 5-quart	2.75
1 boomer, log	1.75
1 box, miter	11.50
1 cabinet, blank	25.00
4 cabinets, kitchen	16.00
2 cabinets, filing	10.00
1 cabinet, filing, oak, 4 units	133.20
1 cabinet, victrola	14.95
2 cans, milk, steel	4.80
1 can, oil, 5-quart	2.50
1 case, book	50.00
1 case, book	25.00
1 case, book, 3 sections	35.00
1 casserole	3.41
1 carving set	1.76
1 chains, tire	5.83
72 chairs, dining, oak	136.80
12 chairs, dining, oak	22.68
4 chairs, office	24.00
4 chairs, library	27.50
6 chairs, rocker, upholstered	49.30
10 chairs, rocking, oak	37.50
2 chairs, office	3.11
114 chairs, dining, oak	183.57
15 chairs, rocking, oak	59.18
2 chiffoniers, without glass	25.00
1 chopper, food, No. 73	4.25
1 chopper, food, No. 72	3.25
3 churns	15.00
1 clamp, cabinetmaker's	1.25
4 clamps, cabinet	4.88
1 closet cleaner	2.48
2 clocks, 8-day	9.53
1 cleaver, butcher's	1.18
1 Clipper belt lacer	22.50
2 clocks, 8-day	8.80
6 clocks, 8-day	25.92
1 concrete mixer, without engine	46.75
1 colander, seamless	1.58
5 collars, horse and mule	26.00
1 cooker, aluminum	4.64
2 covers, wagon	13.40
21 counterpanes	39.43
1 cultivator, with No. 31 gangs	46.10
1 cultivator, 2-horse	44.75
2 cultivators, riding	40.00
1 cultivator, weed	11.75
1 cutter, bolt	4.35
1 cutter, bolt	2.85
1 cutter, kraut	2.25
1 cutter, paper	1.88
1 cutter, pipe, 3-inch	8.50
1 cutter, pipe	2.00
1 cutter, ensilage	100.00
13 desks, school	69.32
1 davenport	48.50
4 desks	44.96
1 drag, road	2.40
1 dresser, oak	30.00
9 dressers	45.00
1 dishwasher, Champion	350.00
1 digger, posthole	1.05
1 drill, post	4.87
1 drill, breast	3.50
2 drills, grain and garden	85.00
1 drum, snare	9.91
8 drums, steel, barrel	45.84
3 drums, oil	24.00
2 engines, gasoline	311.25
1 expander, tube	5.50
6 extinguishers, fire	45.39
4 extinguishers, fire	30.96
2 fountains, drinking	22.50
2 fans, electric	28.87
3 flags, United States	8.64
2 freezers, ice cream	16.25
1 furniture, porch, set	62.50
1 furniture, parlor suite	30.00
1 furniture, reed (rocker and chair)	10.00
1 furniture, settee, parlor	21.95
1 generator and engine (light plant)	561.00
1 globe	4.75
3 gongs, electric	20.00
1 gong, metal	9.82
1 griddle, gas, cake	38.75
2 griddles, aluminum	2.96
1 grader, ditcher, terracer	108.27
1 grinder, feed	18.00
1 pump lift	4.00
1 pump jack	18.00
2 racks, perforated to fit 40-quart pots	5.52
1 range, gasoline pressure	78.80
1 rake, hay, sulky	46.50



1 reamer, pipe, 1 inch.....	\$1.30
15 records, victrola.....	22.20
1 refrigerator, electric.....	265.00
1 register, speed.....	1.75
14 rugs, assorted.....	345.66
2 roasters.....	6.95
2 saws, circular.....	14.81
1 saw, crosscut.....	4.83
4 saws, hand.....	5.49
1 saw mandrel.....	4.90
1 saw set.....	1.25
4 saws, back.....	5.40
1 saw, meat.....	2.50
1 saddle, riding.....	26.50
1 safe, iron.....	75.00
4 scales, assorted.....	73.57
2 scales, counter and butcher.....	18.60
3 scrapers ("I" drag).....	36.31
2 scythes, weed.....	2.22
1 seeder, broadcast.....	6.00
1 separator, cream.....	50.00
1 sewer rod.....	13.80
1 snips, tinnery.....	3.75
1 shower, portable.....	6.00
1 sheller, corn.....	15.00
1 sprayer, knapsack.....	10.00
3 springs, bed.....	12.00
1 spirit level.....	1.10
2 stands, wash.....	11.33
2 stretchers, wire.....	3.04
1 stool, kitchen.....	1.55
2 stools, piano.....	3.00
5 squares.....	5.75
6 stoves, assorted.....	390.95
2 sets stocks and dies.....	37.48
2 sweepers, electric.....	62.31
30 tables, dining, center, etc.....	294.63
1 table, typewriter.....	3.35
2 tables, sand.....	30.60
3 tapes, measuring.....	8.75
2 testers, milk.....	7.00
1 thermometer, dough.....	5.77
4 tires, automobile, 4.50 x 21.....	21.72
1 tire, automobile, 28 x 4.75.....	12.40
2 tires, truck, 30 x 5.....	23.11
1 tractor, Fordson.....	492.20
1 tongs, chain.....	9.00
2 torches, gasoline blow.....	11.85
1 tools, cement (set).....	5.35
37 tubs, wash, galvanized.....	18.89
1 tweers (tuyers).....	3.20
1 victrola.....	40.00
1 vise, saw.....	1.50
3 vises, blacksmith.....	9.29
1 waffle iron.....	2.69
4 wagons.....	300.06
1 wardrobe.....	4.00
1 wheel, overstretch.....	1.05
1 worker, cement.....	3.50
4 wheelbarrows.....	16.78
1 wrench, pipe, 36-inch.....	4.95
3 wrenches, assorted.....	4.59
1 wringer, clothes.....	3.72

\$15,890.90

## LIVESTOCK

1 bull, Holstein.....	50.00
5 cows, Holstein.....	875.00
1 heifer, Jersey.....	5.00
2 mares.....	250.00
4 mules.....	650.00
2 hogs, male.....	40.00
10 sows, brood.....	225.00
10 pigs.....	50.00
150 chickens.....	100.00

2,245.00

Total..... 18,135.90

Mr. THOMAS of Oklahoma. Mr. President, at this time I desire to take advantage of the opportunity to call attention to another feature of the Indian problem. I said on a former occasion that frequently the white population of the country is criticized for having treated the Indian citizens unfairly. I made the statement on a former occasion that for every dollar the white man has robbed the Indian the United States Government has robbed the Indian of a thousand. I still stand on that statement.

The Government has driven these Indians to the West. In most instances it has driven them onto reservations and eventually onto allotments. Gradually their allotments have been dissipated, and now many of these Indians have nothing; they have no land, no property, and many of them have no money. During recent years these Indians have discovered that they have been robbed. For many years they

felt they had been, but for some reason, perhaps through their inability or lack of friends, they could not receive the hearing or attention of the Government. A few years ago some of the more enlightened Indians placed an appeal before the Congress asking the right of the Government to go into the Court of Claims and bring suit, setting up their petition, asking for a hearing, in the hope that a judicial tribunal, after hearing their cause, might give them some relief.

It has been the policy of the Congress during recent years to pass jurisdictional bills permitting the various tribes to file suit in the Court of Claims, setting up their grievances, asking for judgments against the Government, in order that substantial justice might be done them in the future. As a result of this policy, of which I approve, the Congress has passed many jurisdictional bills. Under such jurisdictional bills from 1919 until 1930 many such suits were filed.

As soon as a suit is filed in the Court of Claims, the petition is referred to the Department of Justice. The Department of Justice immediately transmits that petition to the Indian Office, and to the Accounting Office, asking them for a report, requesting these two departments to search the records for a hundred years or more, and to send to the Department of Justice a complete transcript, photostatic copies, and so forth, of such records as it may find. During the first 12 years of this policy the Department of Justice was able to have only 15 of these cases brought to trial, and most of the 15 cases were dismissed on demurrer or for want of prosecution.

The Indian tribes and their attorneys, working since 1919 to get these cases to trial, had failed or could make no progress, and they appealed to the Indian Affairs Committee of the Senate. An investigation was held. The investigation started last year. I personally sent a letter to Mr. Stormont, the particular agent or assistant attorney generally assigned to this class of work, asking for a statement. He replied to my letter, and in this connection I desire to insert in the RECORD the reply of Mr. Stormont.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

DEPARTMENT OF JUSTICE,  
Washington, D. C., April 17, 1930.

HON. ELMER THOMAS,  
Senate Office Building, Washington, D. C.

DEAR SENATOR: In response to your request I beg to say that I have appeared for the Government in the Court of Claims in all "Indian" cases which were pending in 1919, and have represented the Government in that court in all such cases which have been filed subsequent to that date.

Below is a list of such cases which have been disposed of and in all of which I have appeared, for the Government:

No. 34677. Iowa Tribe.  
No. 15457. Congressional, Pawnee Tribe; dismissed.  
No. 17324. Congressional, Pawnee Tribe.  
No. 17356. Citizen Band of Pottowatomies; filed 1892.  
No. 33728. Mdewakanton and Wahpekute Sioux.  
No. 33733. Mdewakanton and Wahpekute Sioux; dismissed.  
No. 33731. Sisseton and Wahpeton Sioux.  
No. 34449. Cherokee Nation; dismissed.  
B-38. Osage Nation.  
D-546. Yankton Sioux.  
D-552. Stockbridge Indians; dismissed.  
F-202. Stockbridge Indians; dismissed on demurrer.  
E-359. Assiniboin Tribe; dismissed on plaintiffs' motion.  
F-168. Creek Nation; dismissed on demurrer.  
H-121. Opanogan et al. Indians; dismissed—pocket veto—no jurisdictional act.

K-268. Moncrief (Choctaws and Chickasaws); dismissed.

The following cases are all of the Indian cases that are now pending in the Court of Claims and in all of which I represent the Government:

K-103. Arapaho and Cheyenne Tribe.  
B-449. Arikara et al. Indians.  
J-31. Assiniboin Tribe.  
E-427. Blackfeet et al. Indians.  
K-344. Indians of California.  
K-501. Lower Chehalis Tribe.  
H-47. Cherokee Nation.  
J-8. Cherokee Nation.  
K-17. Cherokee Nation.  
L-46. Cherokee Nation.  
K-334. Chickasaw Nation.  
K-335. Chickasaw Nation.  
K-336. Chickasaw Nation.  
K-376. Chickasaw Nation.

K-544. Chickasaw Nation.  
 H-76. Chippewa Indians of Minnesota.  
 T-155. Chippewa Indians of Minnesota.  
 H-163. Chippewa Indians of Minnesota.  
 H-192. Chippewa Indians of Minnesota.  
 H-279. Chippewa Indians of Minnesota.  
 F-182. Choctaw Nation.  
 J-231. Choctaw Nation.  
 K-187. Choctaw Nation.  
 K-260. Choctaw Nation.  
 K-281. Choctaw Nation.  
 F-181. Choctaw and Chickasaw Nations.  
 H-37. Choctaw and Chickasaw Nations.  
 J-619. Choctaw and Chickasaw Nations.  
 J-820. Choctaw and Chickasaw Nations.  
 K-345. Coos Bay.  
 F-205. Creek Nation.  
 F-369. Creek Nation.  
 F-371. Creek Nation.  
 F-372. Creek Nation.  
 F-373. Creek Nation.  
 H-510. Creek Nation.  
 L-78. Creek Nation.  
 H-248. Crow Tribe.  
 E-353. Delaware Tribe.  
 E-493. Delaware Tribe.  
 H-221. Delaware Tribe.  
 H-222. Delaware Tribe.  
 H-226. Delaware Tribe.  
 F-275. Dwamish et al. Indians.  
 B-415. Flandreau Band of Sioux.  
 F-64. Kaw Tribe.  
 E-344. Klamath et al. Tribes.  
 E-346. Klamath et al. Tribes.  
 E-350. Klamath et al. Tribes.  
 K-107. Nez Perce Tribe.  
 J-691. Nisqually Tribe.  
 L-4. Ponca Tribe.  
 L-23. Quinault Tribe.  
 H-211. Saginaw et al. Chippewa.  
 L-51. Seminole Nation.  
 L-87. Seminole Nation.  
 L-88. Seminole Nation.  
 L-123. Seminole Nation.  
 H-219. Shoshone Tribe.  
 C-531. Sioux Nation.  
 K-41. Steilacoom Tribe.  
 L-33. Suatille Tribe.  
 E-542. Wichita et al. Tribes.  
 D-776. Yankton Sioux.  
 Very truly yours,

GEORGE J. STORMONT,  
 Attorney.

Mr. THOMAS of Oklahoma. After the examination had proceeded for some little time, and it was disclosed that there were pending in the Court of Claims something like 90 cases, when it was disclosed that there was but one attorney in the Department of Justice engaged in looking after those cases, when it was disclosed that at the present rate it would take 75 or 80 years to get these cases to trial, thereupon the committee took the matter up with the Attorney General.

I will place in the RECORD, under the permission just granted, a copy of a letter written by me to the Attorney General and a copy of his reply thereto.

The letters referred to are as follows:

MAY 27, 1930.

Hon. WILLIAM D. MITCHELL,  
 The Attorney General, The Department of Justice,  
 Washington, D. C.

MY DEAR GENERAL MITCHELL: Supplementing the statements made in our conference of this morning, relating to the status of Indian claims pending before your department and the Court of Claims, beg to submit the following data for your consideration.

Oklahoma has approximately one-half of the Indians of the entire United States and, therefore, approximately one-half of the Indian claims come from my State. Recently I addressed a letter to Mr. George T. Stormont, requesting information as to the status of the several claims and, on April 17 he advised me that he had had charge of this particular class of business since 1919 and that to date some 16 cases have been disposed of by trial and dismissal. Further, he advised that there were pending at that time in the Court of Claims 65 cases, and I have information that since April 17, 6 additional cases have been filed, which makes the total now 71.

I am advised that when a petition is filed in the Court of Claims a copy of such petition is immediately forwarded to your department and is referred to Mr. Stormont for attention. I am further advised that the procedure is for the petition to be referred to the Indian Bureau and to the General Accounting Office for a full and complete report. The Indian Bureau and the General Accounting Office, not knowing just what information is required, proceed to search their files and make copies of every document, instrument, and letter which in any way refers, even remotely,

to the petition referred. As a result of this practice I am advised that some of these petitions require the Indian Office and the General Accounting Office to make exhaustive investigations and to prepare a vast amount of data which finally is returned to your department for the consideration of Mr. Stormont in preparing his answer to such petition.

I have information to the effect that there are now some 18 cases fully reported by both the Indian Office and the Accounting Office and returned to your department. This information is taken largely from the Annual Report of the Comptroller General, 1929, where on page 120, under the title "Indian tribal claims and accounts," it is stated that the comparatively few cases reported upon show total claims against the Government in the sum of over \$500,000,000. I think it not unreasonable to state that the total claims embraced in the 71 cases pending before the Court of Claims would probably total in excess of \$1,000,000,000. No doubt there are many jurisdictional laws under which petitions have not as yet been filed, and, if this is correct, and I am sure it is, the total claims or cases filed and to be filed under existing law, greatly exceed the number of 71 before mentioned.

In addition to the foregoing, I have made a tabulation of similar bills now pending before Congress and find, in the House and Senate, 49 additional measures seeking jurisdictional authority to file claims in the Court of Claims. My investigation to date, while not at all thorough, convinces me that the total mass of litigation of this class authorized by Congress will be very large and it was because of such conviction that I sought an interview with you to-day. My investigation prompts me to submit to you, for your consideration, the following suggestions:

First, the force in your department assigned to this particular class of business should be materially increased.

Second, that, instead of the several petitions being referred to the Accounting Office and to the Indian Office for a general report without instructions as to what information is desired, a study should be made of the several petitions and the Accounting Office and the Indian Office advised and instructed as to what data to procure and submit.

It is my opinion that, if such a procedure can be followed, the time consumed in making a report upon any given petition can be materially decreased, and the consequent expense materially reduced. It occurs to me that this particular class of business has developed into such proportions that a real department could be created with perhaps as many as five or six attorneys with the necessary clerical help to prepare and try these claims against the Government.

After you have made an investigation into this matter, if you agree that something should be done and will indicate just what you think would be advisable in the way of additional personnel and the incident expenses thereto, I will gladly undertake to procure the funds before this Congress adjourns. In all probability you do not have available funds to extend this work, and if you agree that something should be done and will indicate the amount of funds needed for the coming fiscal year I shall be glad to present the matter to the Congress in hope of affording relief along the lines indicated.

Respectfully submitted.

ELMER THOMAS.

DEPARTMENT OF JUSTICE,  
 Washington, D. C., June 24, 1930.

Hon. ELMER THOMAS,  
 United States Senate, Washington, D. C.

MY DEAR SENATOR THOMAS: I have your letter of the 27th ultimo with reference to the status of the suits by Indian tribes in the Court of Claims. I have inquired into the matter.

The delay in the trial of these cases, all of which by no means can be attributed solely to the Government, has been due principally to the inability of the Accounting Office, without any fault on its part, to report promptly upon the petitions which were submitted to it. Prior to 1925 the Accounting Office had but one man who was available for this work. Naturally, very little was accomplished. In that year the Congress provided funds which enabled the Comptroller General to assemble a force of competent accountants and clerks. Much time was necessarily consumed in putting this force upon an efficient working basis and in collecting and arranging the scattered records. The first report from the Comptroller General after the assembly of this force was received in May, 1927, and to date 16 cases (not 18 as stated in your letter) have been reported upon; and the comptroller estimates that all reports upon the cases now before him (approximately 50) will be completed by the middle of 1933. Everything considered, this is as rapid progress as is consistent with efficient work and the interests of the Government.

The task put upon the Accounting Office by reason of this litigation is enormous. Literally millions of separate documents (claims, settlements, disbursing officers' statements, and the supporting vouchers) will have to be examined, tabulated, and audited by the time the work is completed. In the Sioux case alone more than one-half million such documents have been examined and audited. Many of these documents are in such dilapidated condition that they have to be repaired with transparent tape and then handled with extreme caution; and on many the writing is so faded from age or exposure as hardly to be discernible even with the aid of a strong glass.

As you know, a suit of this character can only be instituted in the Court of Claims where the Congress has especially authorized it and given jurisdiction to the court to adjudicate it. Prior to



1920 cases of this character were comparatively infrequent. Since that date a total of 29 jurisdictional acts have been passed. Under 26 of them a total of 80 petitions have been filed. Ten of these cases have been disposed of, leaving 70 pending at this time. In addition to these 10 cases, 7 other cases, which were filed under acts passed prior to 1920, were also disposed of. Under three of the total number of jurisdictional acts passed to date (to wit, with reference to the Winnebagos, Pottawatomies, and North-western Shoshones), no petitions have as yet been filed.

The preparation of one of these cases for trial is a very laborious, tedious, and lengthy matter for both sides. The transactions out of which the claims arise occurred anywhere from 50 to 100, or more, years ago. The records connected therewith are often scattered, misplaced, mutilated, difficult to locate, or lost entirely. Sometimes months are consumed in the search for essential records. Apparently it even takes years, after suit is authorized, for the plaintiff's attorney to secure the information upon which to base a petition. For instance, all of the acts authorizing suits by the Five Civilized Tribes were passed in the first part of 1924, yet the first petition thereunder was not filed until more than two years had elapsed, and the Creeks apparently are not through filing their petitions yet. The Seminoles did not file their first petition until February of this year, nearly six years after the passage of the jurisdictional act. In the three cases of the Klamaths, where the jurisdictional act was passed in 1920 and the petitions filed in 1925, and in other cases where the lapse of time is almost as great, the tribes have not yet concluded their testimony. In very few instances have petitions been filed within less than a year after the passage of the act.

The filing of the petition is the first intimation that this department has that there is such a controversy as is set forth therein. This department has no knowledge or records concerning it. All that is known about it is what is stated in the petition. The petition is promptly forwarded to the Interior Department, which has all the records and information about the claim, with a request for a statement of the facts and copies of the pertinent records. Having no knowledge of the facts of the claim and not knowing what records are in the Interior Department concerning it, it is obvious that this department can not advise the Interior Department what records to look for or what facts to report upon. It has been the experience of the department that the Interior Department, instead of reporting a vast amount of irrelevant facts and transmitting a vast amount of irrelevant documents (such being the intimation in your letter), very often does not transmit enough information, records, and data, necessitating further calls from this department for additional and material information. As to the Accounting Office, their reports are usually very complete, but I have no knowledge of any case where the report contained more information than was actually necessary in the particular case.

The grant of jurisdiction is usually "to consider and determine all legal and equitable claims," or "to hear and adjudge all claims arising under or growing out of" certain treaties, agreements, or acts of Congress, to adjudicate "all claims of whatsoever nature" which the tribe may have. Under this broad authorization, nearly all of the tribes in the pending suits have filed demands for an accounting either with reference to one or more specific funds or transactions or with reference to all financial transactions between them and the Government. About 30 of the petitions now pending involve an accounting with reference to specific funds or transactions, and more than 20 include claims for a general accounting. All of the Five Civilized Tribes have filed petitions demanding an accounting with reference to specific funds and transactions and also for a general accounting. This latter demand necessitates an examination and audit of accounts running as far back as 1789.

Necessarily such petitions as these have to be referred to the Comptroller General for a statement of the facts and an audit of the account. It hardly seems probable that a lawyer could furnish advice or instruction of any value to an accountant as to how to state an account. However, when difficulties or doubts arise in the Accounting Office over matters concerning which this department could not possibly know anything unless it had the records, it is the practice of the official in charge of the work to confer with the attorney in this department having the case in charge, and the difficulties are ironed out in this way without any loss of time.

In addition to the grant of jurisdiction to adjudicate the claims of the Indians the court is usually given jurisdiction of "any legal or equitable set-offs or counterclaims, including gratuities," or is directed to allow the United States "credit for any sums expended for the benefit of said Indians." Under provisions such as these it is necessary to refer practically every petition to the Comptroller General for a statement of all money expended for or on behalf of the particular Indian tribe and the source of such money in order that the court may determine how much money has been expended gratuitously for their benefit or whether any legal or equitable counterclaims arise because of such expenditures. Such requests as these involve a tremendous amount of work on the part of the Accounting Office, and in some cases the result may show that the United States has nothing to offset. But no one can say in advance of an audit that the United States has or has not any such offsets, and in compliance with the congressional direction the work has to be done.

With reference to your statement that you have information that there are now 18 cases fully reported upon by the Accounting Office and evident impression that these reports are being withheld in this department, I beg to say that to date 16 cases have been reported upon by the Comptroller General. The first

report, in the Iowa case, was received in May, 1927; the last, in the Yankton Sioux case, in February, 1930. Eleven of these reports have been filed in the Court of Claims. The other five have not yet been filed. The report in the Yankton Sioux case has not been filed for the reason that that case, by order of the court, is to be heard with the Sioux case, and the Comptroller General has not yet finished his report thereon. The reports in the Assiniboine case, the Crow case, the Wichita and Caddo case, and the Klamath case, received, respectively, in May, 1928, October, 1929, October, 1929, and June, 1928, have not been filed for the reason that the tribes have not yet completed their cases. In each of these cases, however, the attorneys for the Indians have had free access to the reports practically from the date of their receipt in this department, so that if there is any delay in these cases it can not be attributed to the defense.

My general review of the situation has led me to the conclusion that until the present time there has been no great need of enlarging the force of lawyers in this department to deal with these cases. I am heartily in accord with your view that everything possible should be done to expedite these cases. Effective July 1, two additional attorneys have been assigned to this work. I have not believed, however, that I should be justified in asking for emergency deficiency appropriations at this time.

Sincerely yours,

WILLIAM D. MITCHELL,  
Attorney General.

Mr. THOMAS of Oklahoma. Mr. President, as the result of this activity of our committee last year the Attorney General increased the personnel, the force, in his department to take care of these cases to the extent of 200 per cent; in other words, he increased the number from 1 to 3. This winter, as a part of the activities of the subcommittee, we went into this matter further, and in order that those who may be interested may have the record, which has not as yet been printed, I desire at this time to place in the RECORD the testimony of Mr. Stormont, the agent of the Department of Justice. I read as follows:

#### TESTIMONY OF GEORGE T. STORMONT

The witness was sworn by the chairman.

Senator THOMAS of Oklahoma. What department of the Government are you employed in?

Mr. STORMONT. The Department of Justice.

Senator THOMAS of Oklahoma. What position do you occupy in the Department of Justice?

Mr. STORMONT. Special assistant to the Attorney General.

Senator THOMAS of Oklahoma. How long have you been in the Department of Justice?

Mr. STORMONT. Thirty-two years.

Senator THOMAS of Oklahoma. How long have you been in this particular position?

Mr. STORMONT. I have been an attorney for 20 years.

Senator THOMAS of Oklahoma. You mean by that, you have been in charge of these claims for 20 years—claims cases?

Mr. STORMONT. I have been in charge of this particular class of litigation since 1919.

Senator THOMAS of Oklahoma. Were you assigned to this work when this class of cases first came to the Department of Justice?

Mr. STORMONT. No, sir; there have always been Indian cases in the Court of Claims at various times, and I succeeded to the charge of that class of work when Mr. Anderson resigned to be connected with the Court of Claims; but there have always been Indian cases in the Court of Claims, almost from the start of the court.

Senator THOMAS of Oklahoma. You have had charge, then, of the Government cases wherein Indians are bringing suits against the Government since 1919?

Mr. STORMONT. Yes.

Senator THOMAS of Oklahoma. From 1919 to April 7, 1930, tell the committee how many cases were disposed of under your supervision.

Mr. STORMONT. I could not give you that information offhand, Senator. I think my letter discloses that, or the department's letter.

Senator THOMAS of Oklahoma. I hand you a copy of the letter I received in last April, of date April 17, from you, in which you give a list of some 15 cases that have been disposed of. Am I correct in understanding that that is the complete list of cases that have been disposed of until 1930?

Mr. STORMONT. Yes.

Senator THOMAS of Oklahoma. Eleven years, and 15 cases; that is at the rate of 1 case plus a year. There are now 85 cases pending. At that rate it will take something like 60 years to complete this work.

Mr. STORMONT. Well, Senator, that argument does not quite follow, because that was all the cases that were pending up to 1922, I think it was, when the Sioux petition was filed. Prior to that there had been very few cases.

Senator THOMAS of Oklahoma. Then the cases were practically all dismissed. Fifteen were disposed of since 1919. The Pawnee case was dismissed. The Pottawatomie case was filed in 1892. The cases with the unpronounceable names of the Indians were dismissed.

The Cherokee Nation cases were dismissed.

The Stockbridge Indian cases were dismissed, two of them.



The Assiniboine Tribe case was dismissed on the plaintiffs' motion.

The case of the Creek Nation was dismissed on demurrer.

The case of Opanogan and others was dismissed.

The pocket vote case was dismissed.

The Choctaw-Chickasaw Nation case was dismissed.

How many cases are you handling now?

Mr. STORMONT. There are 86, I think, pending, Senator.

Senator THOMAS of Oklahoma. When a case is filed in the Court of Claims and the petition is sent down to your office, what is done with it?

Mr. STORMONT. A request is made on the Department of the Interior and the Comptroller General, under provisions of the statutes, for information with respect to the claim, and also for information with respect to any counterclaims which may be available to the United States in the trial of the case. A copy of the petition is sent out to each of these departments, with a form letter, with the form filled in.

Senator THOMAS of Oklahoma. Have you a copy of one of those forms?

Mr. STORMONT. No.

Senator THOMAS of Oklahoma. Will you furnish the committee with one of those forms?

Mr. STORMONT. I will be glad to do so.

Senator THOMAS of Oklahoma. Mr. Chairman, when this form is furnished I ask that the same be inserted in the record.

The CHAIRMAN. Without objection, the request of Senator THOMAS is granted, and it is ordered that the form mentioned be made of record.

I ask at this time that this form, which was furnished our committee, be likewise printed at this point in my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

#### URGENT

DEPARTMENT OF JUSTICE,  
Washington, D. C., ———, 19—.

— v. The United States. In the Court of Claims, No. —  
(Petition filed ———, 19—)

SIR: As required by section 188 of the Revised Statutes of the United States, I herewith transmit a copy of the petition filed by the claimant in the above-entitled suit (which appears to be founded upon an alleged contract, or transaction with your department, or some bureau, officer, or agent thereof, or upon a matter or thing which has been passed upon and decided by the department, or some bureau or officer thereof), and request that your department, or its proper bureau or officer, will furnish to me all facts, circumstances, and evidence in the possession or knowledge of such department, bureau, or officer touching the claim therein set forth.

I beg leave to call your attention to the following provisions of the said section relating to the duty of the department, bureau, or officer responding to such request:

"Such department, bureau, or officer shall, without delay, and within a reasonable time, furnish the Attorney General with a full statement, in writing, of all such facts, information, and proofs.

"The statement shall contain a reference to or description of all such official documents or papers, if any, as may furnish proof of facts referred to in it, or may be necessary and proper for the defense of the United States against the claim, mentioning the department, office, or place where the same is kept or may be procured.

"If the claim has been passed upon and decided by the department, bureau, or officer, the statement shall succinctly state the reasons and principles upon which such decision was based.

"In all cases where such decision was founded upon any act of Congress, or upon any section or clause of such act, the same shall be cited specifically; and if any previous interpretation or construction has been given to such act, section, or clause by the department, bureau, or officer, the same shall be set forth succinctly in the statement, and a copy of the opinion filed, if any, shall be annexed to it.

"Where any decision in the case has been based upon any regulation of the department or where such regulation has, in the opinion of the department, bureau, or officer transmitting such statement, any bearing upon the claim in suit, the same shall be distinctly quoted at length in the statement."

If the official documents or papers referred to should be voluminous, much labor will be saved by transmitting them with the statement, to be duly returned after inspection.

You are especially requested to advise me of any counterclaim, set-off, or other demand existing in your department or in any other department to your knowledge which would furnish the basis of a cross action against the claimant in this suit. The counterclaim or other demand need not necessarily arise out of the contract pleaded in this suit, but may arise out of an entirely separate and independent contract, undertaking, or matter.

It is desired also that you transmit to me, upon a separate sheet, a list containing the names and addresses of officers and other persons who can probably testify on behalf of the Government in this suit.

In this connection attention is called to the provisions of the rule of court requiring that the Government's answer, plea, demurrer, or counterclaim must be filed within 60 days after filing of the petition. It is very essential, therefore, and it is urgently requested, that the response to this call be returned to the Department of Justice within 30 days after the petition has been filed, so that sufficient time may be allowed the attorney to whom the defense of this case has been assigned to prepare and file in court the answer or whatever other pleading may be deemed appropriate to set up the Government's defense.

Please return the inclosed petition with your reply.

Very respectfully,

Assistant Attorney General  
(For the Attorney General).

Hon. ———,

Mr. THOMAS of Oklahoma (reading):

Senator THOMAS of Oklahoma. When a petition comes in, what examination do you make of that petition?

Mr. STORMONT. None at all. As a matter of fact, petitions in cases, whether in Indian cases or contract cases, are sent with a request for information which we are authorized under the statutes to request.

Senator THOMAS of Oklahoma. When a case reaches you, then you send it on to the proper bureaus in the Indian Office and other Government offices, and you have nothing further to do with that case until the two departments make their report? Is that correct?

Mr. STORMONT. We initiate no action. Of course, in the meantime there may be testimony taken, witnesses may be produced on behalf of the plaintiff, and the calls for information on the department may be filed by the plaintiff, but no action is taken on our part.

Senator THOMAS of Oklahoma. Does the plaintiff take testimony before the Government has entered its answer?

Mr. STORMONT. We file, within the rule time prescribed by the court, a general traverse, which is equivalent to a general denial in a law case.

Senator THOMAS of Oklahoma. That holds up the case, then, until such time as you can amend and withdraw your general denial and file a specific answer?

Mr. STORMONT. Ordinarily in any case—I am talking generally now of cases in the Court of Claims—answers are not filed. Sometimes, of course, we demur or make motions to dismiss for various reasons. We may make a plea to the jurisdiction or do various things of that sort.

Senator THOMAS of Oklahoma. On the 17th of last April, when you wrote this letter, tell the committee, if you remember, how many cases you had under consideration at that time?

Mr. STORMONT. I think there were some 72 or 70, as I recall, Senator.

Senator THOMAS of Oklahoma. Have you any idea of the possible amount of money involved in those petitions?

Mr. STORMONT. A great many of them, Senator, fail to state any amount. They simply ask for such amount as the facts develop is due the tribe. But on the basis of other cases we have estimated that the total amount involved, including the Government's counterclaims, would be slightly over or around \$2,000,000,000.

Senator THOMAS of Oklahoma. At that time, then, you had pending under your jurisdiction something like 75 cases, with a consolidated claim against the Government totaling approximately \$2,000,000,000, and upon that statement I want you to tell the committee what assistance you were furnished by the Department of Justice to take care of this class of business.

Mr. STORMONT. If the emergency arose, when I needed help, and I could not take care of the matter myself, some other attorney in the department would handle the matter for me.

Senator THOMAS of Oklahoma. Did you have regular quarters assigned to you down at the Department of Justice?

Mr. STORMONT. I had my office; yes.

Senator THOMAS of Oklahoma. Did you have an office at that time?

Mr. STORMONT. Yes.

Senator THOMAS of Oklahoma. How much room did you occupy?

Mr. STORMONT. One room.

Senator THOMAS of Oklahoma. How large is that room?

Mr. STORMONT. The room I had then—there were about seven in the section, I guess.

Senator THOMAS of Oklahoma. Who occupied that room with you?

Mr. STORMONT. Just myself.

Senator THOMAS of Oklahoma. Did you have any law clerk there doing work of any kind?

Mr. STORMONT. No; we have the pool system of stenographers in our division. A stenographer is not assigned to an attorney. We have a number of them, and we draw on them as we need them.

Senator THOMAS of Oklahoma. But you alone were undertaking to handle this volume of business, except when you made a request to the department for assistance?

Mr. STORMONT. Well, Senator, it was not quite such a stupendous task as your question would seem to intimate.

Senator THOMAS of Oklahoma. I am inclined to agree with you, the way it was handled.



Mr. STORMONT. The cases were so slow in being prepared for trial—I am not talking about our own department now—that one attorney at that time was all that was necessary for the work. If we had had more they would not have had anything to do.

Senator THOMAS of Oklahoma. At this point I want to introduce in the record a letter received from Mr. Stormont, and let the letter be printed minus the pencil notations.

For the benefit of the record I want to say that when I received that letter from Mr. Stormont I wrote to Mr. Mitchell, Attorney General, calling attention to the facts that were disclosed not only in Mr. Stormont's letter but in the petition. At that time I addressed a letter to Mr. Mitchell, Attorney General, copy of which I submit for the record.

Also, in this connection, I want to introduce the reply of the Attorney General, in which he admitted that the department was not giving this particular business the attention that it should, and for the benefit of the committee I want to read the last paragraph [reading]:

"My general review of the situation has led me to the conclusion that until the present time there has been no great need of enlarging the force of lawyers in this department to deal with these cases. I am heartily in accord with your view that everything possible should be done to expedite these cases. Effective July 1, two additional attorneys have been assigned to this work. I have not believed, however, that I would be justified in asking for emergency deficiency appropriations at this time."

There follow a copy of a letter received from Mr. Stormont, a copy of a letter prepared by myself and sent to Mr. Mitchell, and a copy of his letter in reply, all of which I already have permission to insert in the RECORD.

I continue reading:

Senator THOMAS of Oklahoma. Beginning July 1, tell the committee what was done to enlarge your office assistance.

Mr. STORMONT. One attorney and one junior attorney were appointed.

Senator THOMAS of Oklahoma. Who are they? Give the names.

Mr. STORMONT. Walter C. Shoup, of Idaho, and Mr. Michael J. Rock, of Vermont.

Senator THOMAS of Oklahoma. What have you done since April last? At that time you reported that 16 cases had been disposed of. How many cases have been disposed of since that time?

Mr. STORMONT. The Fort Berthold Indian case has been tried and a judgment entered by the court, and it is a question whether or not it shall be taken to the Supreme Court. That is under consideration.

Senator THOMAS of Oklahoma. What other case has been disposed of?

Mr. STORMONT. I can not recall any other.

Senator THOMAS of Oklahoma. You maintain your record, then, of one a year, all right. It is practically a year—almost a year—now.

Mr. STORMONT. Yes; I think that is the only case.

Senator THOMAS of Oklahoma. How many cases have you now pending in your office?

Mr. STORMONT. Eighty-six.

Senator THOMAS of Oklahoma. Upon which reports have been made by the Accounting Office, which have not been brought to trial?

Mr. STORMONT. The Assiniboine case, the three Klamath cases, the Wichita case, the Kaw case, the Crow case, three Delaware cases. I think that is all.

Senator THOMAS of Oklahoma. Those cases are now ready for trial?

Mr. STORMONT. No; the only ones that are ready for trial are the three Delaware cases.

Senator THOMAS of Oklahoma. When do you expect to get those to trial?

Mr. STORMONT. They will probably be on the February or January calendar of the court.

Senator THOMAS of Oklahoma. Then you have six or seven cases that have been reported on that have not been prepared for trial?

Mr. STORMONT. Yes.

Senator THOMAS of Oklahoma. When do you expect to get them to trial?

Mr. STORMONT. We are awaiting action of the plaintiffs in those cases. The Government is ready, except in one case, the Wichita case.

Senator THOMAS of Oklahoma. You are not ready in the Wichita case?

Mr. STORMONT. No; neither is the plaintiff.

Senator THOMAS of Oklahoma. Why is not the Government ready in the Wichita case?

Mr. STORMONT. We have some examinations to make of the State archives in Texas, which we intend to do next month; as soon as Mr. Rock, who has had to go home on leave of absence on account of illness returns. He will then be sent down there.

Senator THOMAS of Oklahoma. Did you request Mr. Mitchell, or the previous Attorney General, to give you assistance in getting this work out?

Mr. STORMONT. Not until this spring.

Senator THOMAS of Oklahoma. You mean this spring?

Mr. STORMONT. Of 1930, in April or May; and as the result of that, Mr. Shoup and Mr. Rock were appointed.

Senator THOMAS of Oklahoma. Have you any suggestion to make to the committee now as to what should be done, if anything, or what could be done, to speed up these cases and get them ready for trial?

Mr. STORMONT. Yes. I happened to run into Mr. Mitchell a day or two ago, and he told me that my recommendations with reference to additional help had been remembered, and had been passed upon by the Budget, and suggested that the committee might help in that way, in seeing that our amounts are not cut down.

Senator THOMAS of Oklahoma. If it is proper, will you tell the committee what your recommendations were?

Mr. STORMONT. Based on the estimate of work on these cases, when they would be finished by the Comptroller General's Office, I estimated that by the end of the fiscal year 1932 we would be called upon to prepare for trial 20 cases. That is the maximum, as I see it.

Based on that number, I estimated that we would need two and possibly three additional attorneys, and recommended that provision be made for their appointment as needed. We do not need them now.

That recommendation was approved by Mr. Rugg, and by the Attorney General, and was passed, I believe, by the Budget Bureau.

Senator THOMAS of Oklahoma. Referring to case F-205, just spoken of by Mr. Smith, there is no counterclaim discovered in that case, I believe.

Mr. STORMONT. The Interior Department advised us in that case of two counterclaims, and advised us that that was all their records disclosed.

Senator THOMAS of Oklahoma. That was in 1927.

Mr. STORMONT. Yes.

Senator THOMAS of Oklahoma. This is 1930, three years later. Why has not that case been gotten ready for trial?

Mr. STORMONT. Because we have not yet been advised by the Comptroller General whether their records disclose counterclaims, and under that act the court is directed to consider counterclaims on behalf of the Government. In other words, Congress wants the department to set up whatever counterclaims we have, and we can not do that until the Comptroller General has advised us whether his records disclose any.

Senator THOMAS of Oklahoma. You have had a request from the accounting officer of the Budget, have you not?

Mr. STORMONT. Yes.

Senator THOMAS of Oklahoma. Why have you not replied to it?

Mr. STORMONT. Are you referring now to the letter of November 3 which Mr. Smith had?

Senator THOMAS of Oklahoma. Yes.

Mr. STORMONT. That was not with reference to this case. I think that was in reference to the case H-510, the general accounting petition. The reason that we have not answered that, Senator, is that it may involve our appropriation, and that it may involve further delay in the case and additional expense to the Government, and I do not feel like taking the responsibility of making that recommendation until Mr. Rugg, my chief, understands the situation, and either agrees with me or disagrees with me, and I have not had an opportunity as yet of consulting with him on that matter.

Senator THOMAS of Oklahoma. When do you expect to have an opportunity, if ever?

Mr. STORMONT. I hoped to do so this week; but he has been so extremely busy in the Supreme Court that it has been impossible.

Then, as I looked at the situation, there is no necessity for speed, because the report in H-510 can not be finished for five or six months anyway, in the Accounting Office, and as a matter of fact our letter, which was forthcoming any time within a month or so of the completion of their work, would be in ample time.

Senator THOMAS of Oklahoma. You have never seen any occasion, have you, of any undue effort to get these cases ready for trial?

Mr. STORMONT. I beg your pardon?

Senator THOMAS of Oklahoma. You have never seen any particular reason why you should work overtime to get these cases ready for trial, have you?

Mr. STORMONT. I do not quite understand that question, Senator.

Senator THOMAS of Oklahoma. Well, I do not think you do.

The CHAIRMAN. In other words, has there been any unnecessary delay in your department?

Mr. STORMONT. None at all.

Senator THOMAS of Oklahoma. Then you think you have advanced the work as rapidly as it could have been done?

Mr. STORMONT. No case has been delayed by the Department of Justice. Whenever a case has been ready for trial by the plaintiff, and the necessary information has come to us from the Interior Department or the Comptroller General, we have been, I can say, I think, fairly prompt in preparing our end of the case for the court's consideration. I think any attorney on the other side will bear me out in that statement.

Senator THOMAS of Oklahoma. To me the complaint is uniform and universal that they do not get any attention from the department or any cooperation in getting these cases ready for trial.

Mr. STORMONT. I only know of one source of information of that sort or complaint of that sort, which is the attorneys for the tribes of Indians. We could put those on the stand, if there is an issue raised. I know of no information of any dissatisfaction, to the department or to me, or to my chief, Mr. Rugg.

Senator THOMAS of Oklahoma. Here is a copy of a letter of April 23, 1929 [reading]:



APRIL 23, 1929.

HON. JOHN A. ELMORE,  
Commissioner, United States Court of Claims,  
Washington, D. C.

DEAR SIR: At an informal conference with Mr. Stormont and myself you requested that we each present you a written statement in regard to the reasons for delay in the trial of these cases. I herewith hand you such statement.

Yours truly,

E. J. VAN COURT.

MR. STORMONT. That is the one I had reference to. Senator THOMAS of Oklahoma. That is the one you had reference to?

MR. STORMONT. Yes.

Senator THOMAS of Oklahoma. No complaints in the Wichita case?

MR. STORMONT. No. Now, I am talking about the Department of Justice, Senator. There has been complaint about the delay in getting our reports from the Accounting Office. No attorney, that I know of, has attributed the delay to the Department of Justice.

Senator THOMAS of Oklahoma. Have you not had conferences with the Court of Claims and the several judges down there about these cases, and on numerous occasions have you not been forced to make explanations and excuses as to why you were not ready to go to trial in these cases?

MR. STORMONT. The docket is called at the opening day of the term, the first Monday in December, and I state the situation then to the chief justice, in response to the call of the docket.

Senator THOMAS of Oklahoma. You want the committee, then, to understand the Department of Justice is handling these cases in the proper manner?

MR. STORMONT. Yes.

Senator THOMAS of Oklahoma. With proper dispatch and efficiency, and that you have no suggestion to make whereby they might be speeded along to trial?

MR. STORMONT. I will say that so far as the Department of Justice is concerned, I believe they have been handled as expeditiously as possible; and right here, Senator, I would like to say that we do not attach any blame to the Comptroller General's office for their failure to report on the cases. It is a condition for which they are not to blame. But we do say that the reason for the delay is the length of time it takes to get a case through the Comptroller General's Office.

Senator THOMAS of Oklahoma. Do you read these petitions before they are sent down to the Indian Office?

MR. STORMONT. No; and they are very often sent down before they are even assigned to me.

Senator THOMAS of Oklahoma. Has it been necessary in all these cases to have the records searched back for a hundred years—I will say 100 years—searching the records not only here, but in other States, to ascertain whether or not there might be some cases you have overlooked?

MR. STORMONT. Senator, the acts under which these cases are filed generally provide or confer jurisdiction upon the court over counterclaims on behalf of the Government. Now, so far as the Comptroller General's Office is concerned, the only possible counterclaim which would be established by their records would be established by the accountant, of all the financial transactions between the Government and the particular Indian tribe. I do not know how you could find out whether or not there is a counterclaim until you have examined the accounts.

Senator THOMAS of Oklahoma. These petitions make the allegation that they rely upon. In addition to making an investigation of those particular matters, I understand you have a complete investigation made of the whole record.

MR. STORMONT. Yes.

Senator THOMAS of Oklahoma. Even though they are not—

MR. STORMONT. That is a point involved in the letter, whether we shall have a complete accounting in the Five Civilized Tribes cases. It is a matter which has given me some concern, because I do not like to request the Comptroller General that he make that examination if the result will not seemingly justify the effort.

Senator THOMAS of Oklahoma. Have you any idea what it costs to make these examinations?

MR. STORMONT. It is very expensive. I imagine for the report that was submitted to you it must have cost between \$20,000 and \$25,000.

Senator THOMAS of Oklahoma. It takes a good many years to prepare a report of that kind?

MR. STORMONT. It depends on the complexity of the case, but ordinarily I would say that it would take them from two to two and a half years.

Senator THOMAS of Oklahoma. These cases now pending—85 of them—how soon do you expect to get those cases tried and clear of the docket?

MR. STORMONT. Mr. Smith just told the committee that he thought it would be the end of 1934 before all of the cases had been reported on. It is quite a lengthy matter, even after the evidence is all in and the record is built up. It is a very lengthy matter in some cases, for both sides to prepare their briefs and their findings of fact for presentation to the court; so that it might be that if all cases are reported on by 1934 it would be three or four years after that before the last of the pending cases were disposed of, that is, assuming that the department will have supplied the necessary attorneys. Even if there were three more appointed, that would be, with myself, six. One of the present

attorneys is more of a law clerk than an attorney. He is not qualified as yet to try a case in court.

But even with five attorneys we could not try that number of cases. We would have to have more help; and it will be provided as needed, I have no doubt, whenever Congress will give us the money.

There, Mr. President, the Attorney General's Department is complaining about Congress not giving that department enough money to prepare these cases for trial.

Senator THOMAS of Oklahoma. Has Congress ever turned you down on any request of any kind?

MR. STORMONT. Not that I know of.

Senator THOMAS of Oklahoma. There is another complaint, we find. The departments have a habit of saying, "If Congress gives us more money." I have never known of a case where Congress denied a department money to do their work.

MR. STORMONT. I do not know about that. That is a matter that the general agents would have to tell you about, as to whether or not requests for additional attorneys have been turned down by the Appropriations Committee. I have no doubt that the department will do everything possible to supply the necessary legal assistance.

Senator THOMAS of Oklahoma. You have hopes, then, of getting these cases tried in the next 10 years?

MR. STORMONT. I hope so, yes; the present batch.

Senator THOMAS of Oklahoma. I thought I would make it liberal.

THE CHAIRMAN. You think, then, Mr. Stormont, that the force would be sufficient with the additional men you have asked for—will be sufficient—to take care of the needs of the immediate future—the next two or three years?

MR. STORMONT. I think that is so, Senator. I think with that help there will be no cause for complaint, so far as the Department of Justice is concerned.

THE CHAIRMAN. You think that is as many men as you could use for the cases that would become ready for your office?

MR. STORMONT. Yes.

MR. GRORUP. Will you tell the committee why you do not go to trial on those cases at the present time?

MR. STORMONT. Because I want to get the counterclaims.

MR. GRORUP. You know there are no counterclaims.

MR. STORMONT. No; I do not. I can not say there are none until the Comptroller General has reported.

MR. GRORUP. Have you asked the Comptroller General?

MR. STORMONT. Certainly we have asked. As soon as a petition is filed we asked for it.

MR. GRORUP. If you would know to-day that there are no counterclaims you would try the case immediately?

MR. STORMONT. Just as soon as the briefs could be written.

MR. GRORUP. Is it true that the two counterclaims you mentioned can be pleaded as an offset in any of the Creek cases?

MR. STORMONT. Yes; we are not limited to any particular case in setting up our counterclaims.

Mr. President, a few moments ago I was advised that the pending bill carries an item for the support of the Kiowa hospital in a separate provision. Upon learning of that fact I find that one-half my complaint has been taken care of already by the committee and by the department. I have made the charge here that the Indians were being taxed to support a general hospital and a general agency. I find that the bureau has recommended and we find now in this bill an item of \$71,000 to take care of the hospital. Therefore my contention has been sustained. The committee has acceded to one-half of my request, and if the committee is willing to accede to the other half, I shall yield the floor.

MR. SMOOT. Mr. President, the \$71,000 was put in by the House, and agreed to by the Senate. Of course, I did not want to interrupt the Senator at the time he made the speech he did make, long as it was; but I do not see that the Senator has even objected to the committee amendment at all. The only question involved now is his amendment to take from the funds of the Kiowa, Comanche, and Apache item the appropriation of \$51,000, and make it a direct appropriation against the Treasury of the United States. That, of course, is the thing to which I objected.

MR. THOMAS of Oklahoma. Mr. President, in former years the Government took between fifty and sixty thousand dollars annually from these Indians with which to maintain the hospital and the agency. In former years approximately one-half was used for the hospital. It is true that the bill now before us contains an item of \$71,000 for the hospital. Yet the appropriation proposed to be taken from the Indians is not materially decreased. It still stands in this bill at \$51,000. I ask why that is now being done.

MR. SMOOT. It is just the same as has been done in years past. There is not a particle of change in the plan



or the program. The Government of the United States has every year appropriated an amount of money to maintain that hospital, and as long as this fund of the Indians has been in the Treasury, for years and years past, the money has been taken from that fund. It is just the same as has been done in other years.

Mr. THOMAS of Oklahoma. Mr. President, that is the answer I have been receiving for 10 years. When I have asked the Indian Bureau, "Why are you doing so-and-so?" they have replied, "Because we did it that way last year, because we did it that way the year before, because we have done it that way for years and years and years last past." I submit that is not a sufficient answer. While the committee and the bureau are now proposing to tax the people of the country to run the hospital they do not decrease the amount they are asking these Indians to pay. I contend it is unfair. I contend it is a misappropriation of trust funds. I contend it is a continuation of the robbery policy which has been pursued by this Government for nearly 150 years.

Mr. President, I now serve notice that the Committee on Indian Affairs from this time henceforth will leave nothing undone to make known the facts; and I serve further notice that if we have to we will use the time upon this floor to place a statement of the facts in the RECORD—the only place where they can be heard—and depend upon the public conscience of the United States to bring about results and improvement in the Indian Service.

Mr. President, I make the point of no quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	King	Sheppard
Barkley	Frazier	La Follette	Shipstead
Bingham	George	McGill	Shortridge
Black	Gillett	McKellar	Smith
Blaine	Glass	McMaster	Smoot
Borah	Glenn	McNary	Steiwer
Bratton	Goff	Metcalf	Stephens
Brock	Goldsborough	Morrison	Swanson
Brookhart	Gould	Morrow	Thomas, Idaho
Broussard	Hale	Moses	Thomas, Okla.
Bulkley	Harris	Norbeck	Townsend
Capper	Harrison	Norris	Trammell
Caraway	Hatfield	Nye	Tydings
Connally	Hawes	Oddie	Vandenberg
Copeland	Hayden	Partridge	Wagner
Couzens	Hebert	Patterson	Walcott
Cutting	Heflin	Phipps	Walsh, Mass.
Dale	Howell	Pine	Walsh, Mont.
Davis	Jones	Pittman	Watson
Deneen	Kean	Reed	Wheeler
Dill	Kendrick	Robinson, Ark.	Williamson
Fess	Keyes	Schall	

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. There is a quorum present.

During the speech of Mr. THOMAS of Oklahoma—

#### EXECUTIVE MESSAGES

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

Mr. McNARY. Mr. President—

The PRESIDING OFFICER (Mr. Brock in the chair). Does the Senator from Oklahoma yield to the Senator from Oregon?

Mr. THOMAS of Oklahoma. I yield.

#### REPORT OF COMMISSION ON LAW ENFORCEMENT

Mr. McNARY. Mr. President, I am just advised that the Wickersham report has been transmitted by the President of the United States to the Senate. It contains a summary which I shall ask at this time to have read, together with the message of the President, if I may have the consent of the Senator from Oklahoma.

Mr. THOMAS of Oklahoma. Without losing the floor, I yield.

Mr. McNARY. Just the summary, Mr. President. I shall also ask that the report be referred to the Committee on the Judiciary; and at this time I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	La Follette	Shipstead
Barkley	Frazier	McGill	Shortridge
Bingham	George	McKellar	Smith
Black	Gillett	McMaster	Smoot
Blaine	Glenn	McNary	Steiwer
Borah	Goff	Metcalf	Stephens
Bratton	Goldsborough	Morrison	Swanson
Brock	Gould	Morrow	Thomas, Idaho
Brookhart	Hale	Moses	Thomas, Okla.
Broussard	Harris	Norbeck	Townsend
Bulkley	Harrison	Norris	Trammell
Capper	Hatfield	Nye	Tydings
Caraway	Hawes	Oddie	Vandenberg
Connally	Hayden	Partridge	Wagner
Copeland	Hebert	Patterson	Walcott
Couzens	Heflin	Phipps	Walsh, Mass.
Cutting	Howell	Pine	Walsh, Mont.
Dale	Jones	Pittman	Watson
Davis	Kean	Reed	Wheeler
Deneen	Kendrick	Robinson, Ark.	Williamson
Dill	Keyes	Schall	
Fess	King	Sheppard	

The PRESIDENT pro tempore. Eighty-six Senators have answered to their names. A quorum is present. The Chair lays before the Senate a message from the President of the United States, which will be read.

The Chief Clerk read as follows:

#### To the Congress:

The first deficiency appropriation act of March 4, 1929, carried an appropriation for a thorough investigation into the enforcement of the prohibition laws, together with the enforcement of other laws.

In pursuance of this provision I appointed a commission consisting of former Attorney General George W. Wickersham (chairman); former Secretary of War Newton D. Baker; Federal Judges William S. Kenyon, Paul J. McCormick, and William I. Grubb; former Chief Justice Kenneth Mackintosh, of the Supreme Court of Washington; Dean Roscoe Pound, of Harvard Law School; President Ada L. Comstock, of Radcliffe College; Henry W. Anderson, of Virginia; Monte M. Lemann, of New Orleans; and Frank J. Loesch, of Chicago.

The commission thus comprises an able group of distinguished citizens of character and independence of thought, representative of different sections of the country. For 18 months they have exhaustively and painstakingly gathered and examined the facts as to enforcement, the benefits, and the abuses under the prohibition laws, both before and since the passage of the eighteenth amendment. I am transmitting their report immediately. Reports upon the enforcement of other criminal laws will follow.

The commission considers that the conditions of enforcement of the prohibition laws in the country as a whole are unsatisfactory, but it reports that the Federal participation in enforcement has shown continued improvement since and as a consequence of the act of Congress in 1927 placing prohibition officers under civil service, and the act of 1930 transferring prohibition enforcement from the Treasury to the Department of Justice, and it outlines further possible improvement. It calls attention to the urgency of obedience to law by our citizens and to the imperative necessity for greater assumption and performance by State and local governments of their share of responsibilities under the "concurrent enforcement" provision of the Constitution if enforcement is to be successful. It recommends that further and more effective efforts be made to enforce the laws. It makes recommendations as to Federal administrative methods and certain secondary legislation for further increase of personnel, new classification of offenses, relief of the courts, and amendments to the national prohibition act clarifying the law and eliminating irritations which arise under it. Some of these recommendations have been enacted by the Congress or are already in course of legislation. I commend these suggestions to the attention of the Congress at an appropriate time.

The commission, by a large majority, does not favor the repeal of the eighteenth amendment as a method of cure for the inherent abuses of the liquor traffic. I am in accord with this view. I am in unity with the spirit of the report in seeking constructive steps to advance the national ideal of eradication of the social and economic and political evils



of this traffic, to preserve the gains which have been made, and to eliminate the abuses which exist, at the same time facing with an open mind the difficulties which have arisen under this experiment. I do, however, see serious objections to, and therefore must not be understood as recommending, the commission's proposed revision of the eighteenth amendment which is suggested by them for possible consideration at some future time if the continued effort at enforcement should not prove successful. My own duty and that of all executive officials is clear—to enforce the law with all the means at our disposal without equivocation or reservation.

The report is the result of a thorough and comprehensive study of the situation by a representative and authoritative group. It clearly recognizes the gains which have been made and is resolute that those gains shall be preserved. There are necessarily differences in views among its members. It is a temperate and judicial presentation. It should stimulate the clarification of public mind and the advancement of public thought.

HERBERT HOOVER.

THE WHITE HOUSE, January 20, 1931.

The VICE PRESIDENT. The conclusions and recommendations of the commission will be read.

The Chief Clerk read as follows:

NATIONAL COMMISSION ON  
LAW OBSERVANCE AND ENFORCEMENT.

CONCLUSIONS AND RECOMMENDATIONS IN THE REPORT ON THE ENFORCEMENT OF THE PROHIBITION LAWS OF THE UNITED STATES

1. The commission is opposed to repeal of the eighteenth amendment.
2. The commission is opposed to the restoration in any manner of the legalized saloon.
3. The commission is opposed to the Federal or State Governments, as such, going into the liquor business.
4. The commission is opposed to the proposal to modify the national prohibition act so as to permit manufacture and sale of light wines or beer.
5. The commission is of opinion that the cooperation of the States is an essential element in the enforcement of the eighteenth amendment and the national prohibition act throughout the territory of the United States; that the support of public opinion in the several States is necessary in order to insure such cooperation.
6. The commission is of opinion that prior to the enactment of the Bureau of Prohibition act, 1927, the agencies for enforcement were badly organized and inadequate; that subsequent to that enactment there has been continued improvement in organization and effort for enforcement.
7. The commission is of opinion that there is yet no adequate observance or enforcement.
8. The commission is of opinion that the present organization for enforcement is still inadequate.
9. The commission is of opinion that the Federal appropriations for enforcement of the eighteenth amendment should be substantially increased and that the vigorous and better organized efforts which have gone on since the Bureau of Prohibition act, 1927, should be furthered by certain improvements in the statutes and in the organization, personnel, and equipment of enforcement, so as to give to enforcement the greatest practicable efficiency.
10. Some of the commission are not convinced that prohibition under the eighteenth amendment is unenforceable and believe that a further trial should be made with the help of the recommended improvements, and that if after such trial effective enforcement is not secured there should be a revision of the amendment. Others of the commission are convinced that it has been demonstrated that prohibition under the eighteenth amendment is unenforceable and that the amendment should be immediately revised, but recognizing that the process of amendment will require some time, they unite in the recommendations of conclusion No. 9 for the improvement of the enforcement agencies.
11. All the commission agree that if the amendment is revised it should be made to read substantially as follows:  
"SECTION 1. The Congress shall have power to regulate or to prohibit the manufacture, traffic in or transportation of intoxicating liquors within, the importation thereof into and the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes."
12. The recommendations referred to in conclusion No. 9 are:
  1. Removal of the causes of irritation and resentment on the part of the medical profession by—
    - (a) Doing away with the statutory fixing of the amount which may be prescribed and the number of prescriptions.
    - (b) Abolition of the requirement of specifying the ailment for which liquor is prescribed upon a blank to go into the public files.
    - (c) Leaving as much as possible to regulations rather than fixing details by statute.

2. Removal of the anomalous provisions in section 29, national prohibition act, as to cider and fruit juices by making some uniform provision for a fixed alcoholic content.

3. Increase of the number of agents, storekeeper-gaugers, prohibition investigators, and special agents; increase in the personnel of the Customs Bureau and in the equipment of all enforcement organizations.

4. Enactment of a statute authorizing regulations permitting access to the premises and records of wholesale and retail dealers, so as to make it possible to trace products of specially denatured alcohol to the ultimate consumer.

5. Enactment of legislation to prohibit independent denaturing plants.

6. The commission is opposed to legislation allowing more latitude for Federal searches and seizures.

7. The commission renews the recommendation contained in its previous reports for codification of the national prohibition act and the acts supplemental to and in amendment thereof.

8. The commission renews its recommendation of legislation for making procedure in the so-called padlock injunction cases more effective.

9. The commission recommends legislation providing a mode of prosecuting petty offenses in the Federal courts and modifying the increased penalties act of 1929, as set forth in the chairman's letter to the Attorney General dated May 23, 1930 (H. Rept. 1699).

There are differences of view among the members of the commission as to certain of the conclusions stated and as to some matters included in or omitted from this report. The report is signed subject to individual reservation of the right to express these individual views in separate or supplemental reports to be annexed hereto.

GEO. W. WICKERSHAM,  
Chairman.

HENRY W. ANDERSON  
NEWTON D. BAKER  
ADA L. COMSTOCK  
WILLIAM I. GRUBB  
WILLIAM S. KENYON  
FRANK J. LOESCH  
PAUL J. MCCORMICK  
KENNETH MACKINTOSH  
ROSCOE POUND.

WASHINGTON, D. C., January 7, 1931.

The VICE PRESIDENT. The message of the President of the United States, with the report of the commission, the conclusions, and recommendations, will be referred to the Committee on the Judiciary.

MR. BLAINE, MR. NORRIS, and MR. McNARY addressed the Chair.

The VICE PRESIDENT. The Senator from Oklahoma [Mr. THOMAS] has the floor.

MR. NORRIS. Will the Senator yield to me to make an inquiry? I want to propound an inquiry to the Chair pertaining to the matter just read to the Senate.

MR. THOMAS of Oklahoma. Mr. President, I was taken from the floor by a message from the President of the United States, and I yielded only for the purpose of having it laid before the Senate.

The VICE PRESIDENT. The Chair is so advised, and the Senator from Oklahoma is entitled to resume his remarks at this time if he desires to do so.

MR. THOMAS of Oklahoma. I am glad to yield to anyone who may desire to propound an inquiry.

MR. BLAINE. Mr. President—

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Wisconsin?

MR. THOMAS of Oklahoma. I yield to the Senator from Wisconsin provided it does not take me from the floor.

MR. BLAINE. Mr. President, I desire to introduce a joint resolution in relation to the report which has just been read.

With the Senator's permission, I merely want to state that while I am opposed to prohibition as a matter of principle and favor the absolute repeal of the eighteenth amendment, I intend to propose a joint resolution providing for an amendment to the Constitution which will give to Congress the power to regulate the manufacture, traffic in, and importation and exportation of intoxicating liquors for beverage purposes, using the language the commission has used, except to strike out that part giving Congress the power to establish prohibition. I introduce the joint resolution and ask that it be read at the desk.

The VICE PRESIDENT. Is there objection to the reading of the joint resolution? The Chair hears none, and the clerk will read.



The joint resolution (S. J. Res. 237) to amend the eighteenth amendment to the Constitution, relating to national prohibition, was read the first time by its title, the second time at length, and referred to the Committee on the Judiciary, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of the eighteenth amendment to the Constitution of the United States the following is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by three-fourths of the several States:*

"AMENDMENT XVIII

"SECTION 1. The Congress shall have power to regulate the manufacture, traffic in, or transportation of intoxicating liquors within, the importation thereof into and the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes."

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Nebraska?

Mr. THOMAS of Oklahoma. I yield.

Mr. NORRIS. I want to ask a question of the Chair pertaining to the synopsis of the report which the Chair has had read by the Clerk. At the conclusion of it it is stated:

The report is signed subject to individual reservation of the right to express these individual views in separate or supplemental reports to be annexed hereto.

I ask the Chair whether any such individual views of the different members or any of the members of the commission have been submitted or are included in the document which the Chair has referred to the Judiciary Committee?

The VICE PRESIDENT. In the report which has been referred to the Committee on the Judiciary there are contained several individual letters.

Mr. DILL. Mr. President, I should like to know how many copies of the report have been printed?

The VICE PRESIDENT. Only the two sent to the Senate, so far as the Chair is advised.

Mr. DILL. Senators know there is going to be a tremendous demand for copies of the report. How are we going to have them printed?

Mr. McNARY. Mr. President, I think I can inform the Senator. During the day a Senate concurrent resolution will be introduced for that purpose.

Mr. FESS. Mr. President, may I say to the Senator from Oregon that I have understood that the House is having the report printed as a document?

Mr. McNARY. By virtue of a concurrent resolution, which will be brought up, if it be acted on favorably, both branches of Congress will have a sufficient number of copies printed.

MINISTER TO LIBERIA

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Idaho?

Mr. THOMAS of Oklahoma. I yield.

Mr. BORAH. A few days ago the nomination of Mr. Mitchell, of West Virginia, as minister to Liberia, was sent to the Senate, and it was acted upon favorably. His name has been sent in a second time for the purpose of correcting a technical error. I ask leave, as in executive session, for the Senate to act upon it again.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The reading clerk read the nomination of Charles E. Mitchell of West Virginia, to be envoy extraordinary and minister plenipotentiary to Liberia.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and, without objection, the President will be notified.

After the conclusion of the speech of Mr. THOMAS of Oklahoma—

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 3895. An act to authorize the Commissioners of the District of Columbia to widen Wisconsin Avenue abutting squares 1299, 1300, and 1935; and

S. 5036. An act to extend the time for completing the construction of a bridge across the Delaware River near Trenton, N. J.

The message also announced that the House had passed the joint resolution (S. J. Res. 177) to provide for the erection of a monument to William Howard Taft at Manila, P. I., with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 10621. An act authorizing W. L. Eichendorf, his heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across the Mississippi River at or near the town of McGregor, Iowa;

H. R. 10658. An act to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26);

H. R. 11285. An act to amend the Alaska game law;

H. R. 11368. An act to fix the annual compensation of the secretary of the Territory of Alaska;

H. R. 11967. An act to provide for the appointment of an additional district judge for the southern district of Illinois;

H. R. 12037. An act authorizing the payment of a claim presented by the Polish Government for the reimbursement of certain expenditures incurred by the community authorities of Rzeszyczany, Poland, to which place an insane alien was erroneously deported;

H. R. 12067. An act for compensation to the owners of the Danish motor ship *Indien* for damages sustained as the result of a collision with the United States Coast Guard cutter *Shawnee* at San Francisco on April 5, 1925;

H. R. 12352. An act to authorize the payment of an indemnity to the Norwegian Government in full and final satisfaction of all claims arising as a result of the detention of the Norwegian steamer *Tampen* by the United States Coast Guard in June, 1925;

H. R. 13132. An act authorizing the appropriation of Osage funds for attorneys' fees and expenses of litigation;

H. R. 13160. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Rosenberg Library, in the city of Galveston, Tex., the silver service presented to the United States for the cruiser *Galveston*;

H. R. 13516. An act to extend the times for commencing and completing the construction of a free highway bridge across the Hudson River between the cities of Albany and Rensselaer, N. Y.;

H. R. 13517. An act to extend the times for commencing and completing the construction of a free highway bridge across the Hudson River at the southerly extremity of the city of Troy, N. Y.;

H. R. 13532. An act to extend the time for the construction of the bridge across the Rio Grande at or near San Benito, Tex.;

H. R. 13533. An act to extend the time for the construction of a bridge across the Rio Grande at or near Rio Grande City, Tex.;

H. R. 14040. An act to enable the Secretary of the Treasury to expedite work on the Federal building program authorized by the act of Congress entitled "An act to provide for the construction of certain public buildings and for other purposes," approved May 25, 1926, and acts amendatory thereof;

H. R. 14051. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Elk River on the Fayetteville-Winchester Road near the town of Kelso, in Lincoln County, Tenn.;

H. R. 14264. An act to revive and reenact the act entitled "An act granting the consent of Congress to the city of Warren, in the State of Ohio, its successors and assigns, to construct, maintain, and operate a dam across the Ma-



honing River, in the State of Ohio," approved September 22, 1922;

H. R. 14276. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River on the Dayton-Decatur Road between Rhea and Meigs Counties, Tenn.;

H. R. 14573. An act authorizing the attendance of the Army Band at the Confederate Veterans' reunion to be held at Montgomery, Ala.;

H. R. 14679. An act authorizing Pensacola Bridge Corporation (a Florida corporation), its successors and assigns, to construct, maintain, and operate a bridge across Santa Rosa Sound, in the State of Florida, at or near Grassy Point, in Santa Rosa County, Fla.;

H. R. 14681. An act granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., its successors and assigns, to construct, maintain, and operate a railroad bridge across the Kankakee River;

H. R. 14916. An act for the relief of the Uncompahgre reclamation project, Colorado;

H. R. 15138. An act granting the consent of Congress to the State highway commission and the Board of Supervisors of Itawamba County, Miss., to construct a bridge across Tombigbee River at or near Fulton, Miss.; and

H. R. 15064. An act to reserve 440 acres of public-domain land for addition to the Temecula or Pechanga Reservation, Calif.

#### THE POWER QUESTION—GOVERNOR ROOSEVELT'S MESSAGE

Mr. DILL. Mr. President, the power question has been agitating the entire country for the past few years and is fast becoming one of the dominant political questions. The methods of regulating power rates have proved ineffective. Watered stock, Federal court rulings as to valuation, and all sorts of legal hindrances have made it impossible for the people to get lower rates by relying upon the regulatory bodies of the various States. The proposal that the governmental body producing electric power sell that power at the switchboard to private owners permits them to profiteer on the people because of the use of their transmission lines.

Because of these facts the message of Gov. Franklin D. Roosevelt, of New York, yesterday to the State Legislature of New York on the subject of the development of the water power of that State is extremely timely. He proposes a novel method of dealing with electric power and having it delivered to the people at a low cost. He points out that it is not necessary for the Government to go into the building of transmission lines if the owners of private transmission lines are willing to accept a fair rate of return for the transmission of electricity. His message clearly points out the necessity of the governmental authority having the alternative power of contracting with private owners of transmission lines or building its own transmission lines. By contracting with private parties at low rates the governmental body will control the selling price of the power to consumers. In case of failure to secure such contracts the Government should build its own transmission lines. I think in this proposal Governor Roosevelt has given a very fine example of constructive statesmanship that is so much needed in the country. It is a sane, progressive proposal of interest to the entire country. Because of these facts I ask unanimous consent to insert in the Record at this point the complete text of his message on the subject.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The message is as follows:

[From the New York Times, Tuesday, January 20, 1931]

TEXT OF GOVERNOR ROOSEVELT'S MESSAGE ON WATER POWER

ALBANY, January 19.—Following is the text of Governor Roosevelt's message to the legislature on water power:

STATE OF NEW YORK,  
EXECUTIVE CHAMBER,  
Albany, January 19, 1931.

The Legislature:

In order to clarify and simplify the questions involved in the voluminous and necessarily technical reports of the St. Lawrence Power Commission, I have studied and summarized the problems and the recommendations. Here is the background:

On March 12, 1929, I sent a special message to the legislature in which I have laid down these general principles:

"In making use of this potential energy on the St. Lawrence, owned by the people of the State, the objective of the problem is essentially this:

"1. The physical transforming of falling water into electrical current.

"2. The transmission and distribution of this current from the plant where it is developed to the industries and homes of the people of the State."

The first objective was seriously opposed by many people, who insisted for varying motives that the physical building of a dam was fraught with danger, that the cost would be prohibitive, and that generation by steam had become as cheap as by water power.

#### HOLDS POSITION VINDICATED

The commission unanimously finds:

(a) The dam can be built with 100 per cent of safety, actual construction being on dry land by the method of diverting the river first on one side of an island and then on the other side.

(b) The cost would be about \$70,000,000 less than any previous estimate.

(c) The cost of generation per horsepower would be \$10, as against a \$25 cost for steam power.

This is an outstanding vindication for those of us who have supported the project against insidious propaganda for private development. It should foreclose for all time to come further discussion of public development of the St. Lawrence site.

Next is the question, "Who shall get the power?"

In 1929 and 1930 I have consistently held that the power should be developed for the primary benefit of the consumer at the lowest possible rate compatible with a fair return on the investment; and, furthermore, I have stressed the fact that the home user is the one to be given first consideration, because to-day the small home owners and storekeepers are carrying a relatively far greater burden than the industrial user.

That is the primary objective of transmission and distribution, and both the majority and minority report point out that the entire policy of development should be to provide the maximum benefits for domestic consumers, farmers, and small users of power. This coincides with my views, expressed not only in my message to the legislature but a great many times thereafter. I emphasized the fact that my interest in water-power development was primarily to get it in to the homes of the women of the State and in the small shops and stores, and that only secondarily was it to be used for the huge manufacturing industries.

#### QUOTES REPORT ON SMALL USERS

The majority report says in this connection:

"All effort should be made to secure the maximum possible reduction in rates to domestic and to small commercial users. In other words, we believe that the principle of 'selling on a commercial basis' should be applied to industrial consumers of power and that the resulting profits on this business should be applied to the reduction of rates of other consumers.

"Not being in a position to protect themselves by an exercise of their bargaining power, they require the protection of their government in the enjoyment of service at the lowest possible rates, and since the transmission and distribution costs of the industrial power supplied near the site will be very small, a profit may be expected on this part of the business, a profit which should be applied to the reduction of rates to the small customer.

"It must always be borne in mind that as a practical matter the large consumer of power is able to protect himself much more effectively than the small consumer. For example, he can usually install his own generating plant. Indeed, this possibility has actually resulted in the establishment of comparatively low rates to large industrial users. It is the small consumer who is unable to cope with the situation. It is he who stands in great need of help from the State. In the judgment of the commissioners the accent should be put upon his needs."

Thus the entire commission, both the majority and minority, as well as I myself, are interested chiefly not so much in the disposition of this power to industries which might locate near the St. Lawrence River but in its cheap sale and transmission to household consumers.

Of course, by reason of the fact that the flow of the river is practically constant, the power will be generated during the entire day all the year round at nearly a constant load. Only large industrial plants can use peak power 24 hours a day, and it is therefore practical and feasible to encourage certain types of industry to locate near the site of the power house for the use of this constant load.

Next comes the matter of the price which consumers away from the site itself, principally the small consumers, will have to pay for electricity.

Hitherto we have relied wholly on Public Service Commission regulation of rates. We all know the long story of how court decisions, valuations, rate bases, complicated accountings, newly invented methods of finance, and unsatisfactory leadership in the Public Service Commission itself have made impossible the fulfillment of the original purposes of regulation.

Something new had to be done. I said to the legislature in 1929:

"That is why, in trying to treat this whole problem of development, transmission, and distribution of St. Lawrence power as a complete picture in the interests of the people of the State, I



have sought a method by which we could avoid the rate-regulating powers of the Public Service Commission, tied up, as it is, at the present time by Federal court rulings.

#### REPORTS UPHOLD CONTRACT PROPOSAL

"I have, therefore, after consultation with many experts on the subject, come to the conclusion that the representatives of trustees who develop the power can enter into contract with transmitting and distributing companies, under which contracts a fair price to the consumer will be guaranteed, this price to make allowances only for a fair return to the companies on the actual capital invested in the transmitting and distributing of this particular power energy.

"It is a method which is frankly based on theory of contract rather than the theory of regulation."

The majority and the minority of the commission both agree with that statement made by me, that the rates should not be subject to the control of the Public Service Commission but should be fixed by contract, based on a definite method of accounting and valuation, which would insure fair rates for all time to come.

The majority of the commission states it this way:

"There can be no question but that the existence of litigation in rate cases is a waste which should be avoided by the utility companies as well as by the State if it is found practicable through a process of negotiation to establish a system of rate control by contract which will adequately safeguard the consumer, a great step forward will have been taken."

#### TAKES UP TRANSMISSION PROBLEM

The minority of the commission says the same thing in another way in recommendation:

"That the trustees seek to negotiate with the utility companies a contract for the transmission and distribution of the power, which contract, by its terms, should bind the utility companies to transmit and distribute to consumers all of the power generated at rates or prices to consumers to be fixed in the contract, on the basis of charges, the lowest consistent with a fair return to the power authority on the investment."

The next question is, how to transmit the power, i. e., the question of the main transmission lines to carry the power to points of distribution.

I foresaw, of course, as every one does, the possibility that existing private companies might refuse to treat with the State on fair terms for the transmission of this electricity under a contractual relationship fixing their rates and profits. It was for that reason that I viewed with such alarm the merger of the three largest holding companies of power corporations into the joint merger of the Niagara-Hudson Power Co. The creation of this superutility deprived the State of its right to bargain with several companies and compelled it to bargain with this company alone.

#### POINTED OUT TWO METHODS

I want everybody to reread the following clear statement in my 1929 message, for it is just as true now as it was then:

"Are the business men of this State willing to transmit and distribute this latent water power on a fair return on their investment? If they are satisfied, here is their opportunity. If not, then the State may have to go into the transmission business itself. It can not, on the one hand, let this power go to waste, nor on the other be required to yield to any one who would aim to exploit the State's resources for inordinate profit.

"We shall soon know whether or not such a contract can be made. If the trustees can make it and it commends itself to the people of the State, then the legislature and I will approve of it and we can go ahead. But if no such contract can be made we shall know the reasons why and protect ourselves accordingly.

"I want to be in accord with sound business principles. I believe there are enough good business men in this State who see this problem as clearly as I do and will be glad to join with the State in this endeavor. I want to give to business this big opportunity to participate in a public service.

"If these proposals become law, we shall have the opportunity of ascertaining whether or not business and finance will accept this way of developing the State's resources for its industries, its commerce and its homes.

"On the one hand is the policy of public ownership and control of our power sites, dams, and power plants with private operation of transmission lines and distributing systems, allowing a fair return on actual cash capital investment.

#### COMPARES REPORTS ON CONTRACTS

"On the other side is one of two courses, either exploitation by private interests or else public ownership and operation, not only of the site, the dam, and the power, but of the transmission lines and distribution systems as well."

What does the commission say? The chief divergence between the majority and minority reports is as follows:

Both favor a contract with a private utility company by which, in effect, such company can collect only for the actual cost of actual services rendered, plus a reasonable profit. That is the objective of the proposed contract form of delivering the power.

The minority, however, recommends that if such a contract for transmission can not be made on a fair basis with an existing utility company the authority should try to get some other private company, existing or to be organized, to carry the power; and that it is wholly possible to interest private investment in such a company, because the earnings would in effect be based on a firm contract with the power authority.

As an alternative to this, if such private transmission can not be contracted for, the minority report recommends that the power

authority itself build transmission lines in order to bring the cheap power into the homes and shops of small consumers.

In this connection both the majority and minority of the commission fully realize that the municipalities or lighting districts could purchase this cheap power for distribution to their citizens, if, because of existing poor service or exorbitant rates, it became necessary.

#### CITES REPORT ON SALE TO CITIES

The majority says:

"Your commission is aware that a considerable number of municipal distributing systems are already in existence in New York State and that they are charging rates which compare very favorably with the rates charged by private companies operating under similar conditions. These municipal systems should be given full opportunity to purchase a reasonable share of the St. Lawrence River power at such prices as may be necessary to cover the cost of generation and of transmission.

"Moreover, any municipal or other political subdivision of the State that chooses in the future to engage in the distribution of electric current should be given the opportunity to purchase St. Lawrence power on conditions at least as favorable as those which are offered to private distributing systems. In the event that all of the water power shall be sold to private transmission and distribution companies at the generating station this sale should not be made except under a contractual agreement whereby these companies will transmit a reasonable share of the power to municipal plants at prices representing no more than a fair spread to cover the cost of transmission."

#### SEES ALTERNATIVE AS CLUB

These two alternatives which the power authority would have in determining the method of transmitting electricity are, of course, the only bargaining clubs in its possession in its negotiations with the present utility monopoly. If it did not have these alternatives the State would be at the complete mercy of the Niagara-Hudson Power Co.

I believe that these alternatives form the very foundation of the plan which will have its ultimate attainment only when the homes of the State get cheap electricity. I believe that these two alternatives provide the whip hand, the trump card, which the State can treat with the Power Trust, and I believe that they should be emphasized to the utmost.

The majority of the commission does not lose sight of this alternative. In fact, it points out in its report, though not in so specific a manner, the efficiency of these alternatives as a bargaining weapon.

The majority report states:

"Can satisfactory arrangements be made between the power authority and privately owned transmission and distribution companies?

"We hope that it will be feasible to make an acceptable contract. A genuine effort should be made to secure such a contract before consideration is given to a plan for State transmission and distribution.

"In the event of the inability of the trustees to make such a contract they shall have such authority as is necessary to make other disposition of the power."

#### BOTH REPORTS ARE PRAISED

Of course, the phrase, "to make other disposition of the power," would necessarily include the two alternatives about which I have spoken, and it must be clear to anyone reading the report that the majority of the commission is desirous of retaining in the hands of the power authority these bargaining weapons, with which the State should enter into negotiations with the power companies.

The minority report stresses the importance of being specific and clear about the two alternatives, putting them in plain language into the law creating the power authority.

I desire to repeat, however, that both reports should be a source of gratification to those of us who have been interested in cheaper electricity in the homes. They show, first, that the power can be developed cheaply; second, that the rates at which it is to be sold to the ultimate consumers should be fixed by contracts in the interest of the consumer; third, that if the contract is impossible to obtain alternative methods should be pursued which would ultimately place this power in the homes of our citizens at low rates; fourth, that the authorities of the United States and Canada have so far evidenced an attitude of friendly cooperation; fifth, that the time is ripe for the creation by the legislature of a power authority with legislative sanction to proceed to carry to completion its negotiations, as well as such further necessary studies as need be made of the building of transmission lines by the State or the possibility of the creation of a new corporation to undertake to contract with the State for the transmission of this cheap electricity.

I trust your honorable bodies will study and act on these most vital reports.

FRANKLIN D. ROOSEVELT.

#### PROPOSED INCREASE IN PARCEL-POST RATES

Mr. McKELLAR. Mr. President, under a provision of law the Postmaster General some time ago applied to the Interstate Commerce Commission to authorize a general increase in parcel-post rates amounting annually to something like \$7,000,000 or \$8,000,000. The Committee on Post Offices and Post Roads, after that was done, adopted a resolution



asking the Postmaster General and the Interstate Commerce Commission not to proceed with the matter of increasing the rates until the Congress had an opportunity to act upon a bill repealing that provision of the law. At the same time the committee reported favorably a bill repealing that provision of the law and leaving it to the Congress to establish rates.

I desire to ask unanimous consent at this time to proceed to the consideration of the resolution, which merely asks the Interstate Commerce Commission and the Postmaster General to postpone action as I have suggested.

The VICE PRESIDENT. Is there objection to the request of the Senator from Tennessee?

Mr. McNARY. Mr. President, I made objection this morning to other similar requests, and promised to ask the Senate to take an adjournment this evening so as to have a morning hour to-morrow for such purposes. Therefore I shall have to object.

Mr. McKELLAR. I did not know there is to be a morning hour to-morrow. With that understanding, I shall ask to have this matter considered to-morrow during the morning hour.

The VICE PRESIDENT. The Senator from Tennessee withdraws his request.

#### HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 10621. An act authorizing W. L. Eichendorf, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of McGregor, Iowa;

H. R. 13532. An act to extend the time for the construction of the bridge across the Rio Grande at or near San Benito, Tex.;

H. R. 13533. An act to extend the time for the construction of a bridge across the Rio Grande at or near Rio Grande City, Tex.;

H. R. 14264. An act to revive and reenact the act entitled "An act granting the consent of Congress to the city of Warren, in the State of Ohio, its successors and assigns, to construct, maintain, and operate a dam across the Mahoning River, in the State of Ohio," approved September 22, 1922; and

H. R. 14681. An act granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., its successors and assigns, to construct, maintain, and operate a railroad bridge across the Kankakee River; to the Committee on Commerce.

H. R. 10658. An act to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26); to the Committee on Finance.

H. R. 11285. An act to amend the Alaska game law; to the Committee on Agriculture and Forestry.

H. R. 11368. An act to fix the annual compensation of the secretary of the Territory of Alaska; to the Committee on Territories and Insular Affairs.

H. R. 11967. An act to provide for the appointment of an additional district judge for the southern district of Illinois; to the Committee on the Judiciary.

H. R. 12037. An act authorizing the payment of a claim presented by the Polish Government for the reimbursement of certain expenditures incurred by the community authorities of Rzeszyczany, Poland, to which place an insane alien was erroneously deported;

H. R. 12067. An act for compensation to the owners of the Danish motor ship *Indien* for damages sustained as the result of a collision with the United States Coast Guard cutter *Shawnee* at San Francisco on April 5, 1925; and

H. R. 12352. An act to authorize the payment of an indemnity to the Norwegian Government in full and final satisfaction of all claims arising as a result of the detention of the Norwegian steamer *Tampen* by the United States Coast Guard in June, 1925; to the Committee on Foreign Relations.

H. R. 13160. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Rosenberg

Library, in the city of Galveston, Tex., the silver service presented to the United States for the cruiser *Galveston*; to the Committee on Naval Affairs.

H. R. 14040. An act to enable the Secretary of the Treasury to expedite work on the Federal building program authorized by the act of Congress entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926, and acts amendatory thereof; to the Committee on Public Buildings and Grounds.

H. R. 14573. An act authorizing the attendance of the Army Band at the Confederate veterans' reunion to be held at Montgomery, Ala.; to the Committee on Military Affairs.

H. R. 15064. An act to reserve 440 acres of public-domain land for addition to the Temecula or Pechanga Reservation, Calif.; to the Committee on Indian Affairs.

H. R. 13132. An act authorizing the appropriation of Osage funds for attorneys' fees and expenses of litigation;

H. R. 13516. An act to extend the times for commencing and completing the construction of a free highway bridge across the Hudson River, between the cities of Albany and Rensselaer, N. Y.;

H. R. 13517. An act to extend the times for commencing and completing the construction of a free highway bridge across the Hudson River, at the southerly extremity of the city of Troy, N. Y.;

H. R. 14051. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Elk River on the Fayetteville-Winchester Road near the town of Kelso, in Lincoln County, Tenn.;

H. R. 14276. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River on the Dayton-Decatur Road between Rhea and Meigs Counties, Tenn.;

H. R. 14679. An act authorizing Pensacola Bridge Corporation (a Florida corporation), its successors and assigns, to construct, maintain, and operate a bridge across Santa Rosa Sound, in the State of Florida, at or near Grassy Point in Santa Rosa County, Fla.;

H. R. 14916. An act for the relief of the Uncompahgre reclamation project, Colorado; and

H. R. 15138. An act granting the consent of Congress to the State Highway Commission and the Board of Supervisors of Itawamba County, Miss., to construct a bridge across Tombigbee River at or near Fulton, Miss.; ordered to be placed on the calendar.

#### MEMORIAL TO WILLIAM HOWARD TAFT

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 177) to provide for the erection of a monument to William Howard Taft at Manila, P. I., which were, on page 1, line 5, to strike out the word "monument" and insert "memorial"; on page 1, line 6, to strike out the word "monument" and insert "memorial"; on page 1, to strike out lines 8 to 10 inclusive; and to amend the title so as to read: "Joint resolution to provide for the erection of a memorial to William Howard Taft at Manila, P. I."

Mr. FESS. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

#### GEORGE WASHINGTON BICENTENNIAL COMMISSION

The VICE PRESIDENT. The Chair appoints the Senator from Maryland [Mr. TYDINGS] to fill the vacancy on the George Washington Bicentennial Commission, caused by the death of the Senator from North Carolina [Mr. Overman].

#### AIR MAIL CONTRACTS

Mr. DILL. On January 6 I submitted a resolution (S. Res. 394) requesting the Postmaster General to furnish information to the Senate regarding air mail contracts, and asked that it lie over under the rule. Evidently there was a misunderstanding as to the disposition of the resolution, and it was ordered to lie on the table. I should like to have the resolution placed with resolutions on the calendar or-



dered to lie over. I have had no opportunity to call it up since its introduction.

The VICE PRESIDENT. Without objection, that order will be made.

#### THE UNEMPLOYMENT PROBLEM

Mr. WALSH of Massachusetts. Mr. President, I ask to have inserted in the CONGRESSIONAL RECORD a speech delivered last night in New York by Rev. John A. Ryan, D. D., a well-known student of social and economic questions, upon the subject of the obligations of the state in time of widespread unemployment.

Doctor Ryan recommends concentration and increase of public works in periods of depression as an outstanding remedy.

The VICE PRESIDENT. Without objection, leave is granted.

Doctor Ryan's address is as follows:

#### THE DEMANDS OF JUSTICE

The traditional classification in Catholic treatises on ethics gives us three kinds of justice. They are legal, commutative, and distributive. Legal justice is that by which citizens or subjects are bound to promote the welfare of the community and the state. Commutative or strict justice regulates the relations among individuals and associations. Distributive justice binds the political authority. It requires public officials to distribute common goods and benefits among the members of the community in proportion to needs and merits and public burdens in proportion to capacities.

#### THE OBLIGATIONS OF EMPLOYERS

The relation between employer and employee is governed primarily by commutative or strict justice. This species of justice obliges the employer to make and fulfill just labor contracts, but it does not require him to enter any particular labor contract or to employ any particular laborer. Owing, however, to his position in the industrial and social organism the employer participates also in the functions of distributive justice. He is charged with the social obligation of making a fair distribution of the economic goods and opportunities which he controls. His duty is not merely contractual, but social. He fulfills not only an individual contract but a social function. If the State owned and operated all the instruments of production, it would clearly be obliged to provide all the wage-earning members of the community with employment at fair wages. Under the system of private capital this function is performed by employers. Upon them primarily falls the duty of enabling the wage earners to enjoy their natural right of obtaining a livelihood from the common bounty of the earth. Since they take the place of the State in the employment relation and in the control of the goods and opportunities of living for the laboring class, they have some obligation to provide employment.

To be sure, this obligation is not absolute. It is limited by the possibilities of the situation. An employer is not obliged, in justice, to furnish employment to anyone at a definite loss to himself. On the other hand, it would seem clear that he is morally obliged to retain present employees on his pay roll, even though he obtains no interest. Like the laborer, he has the right to a livelihood in reasonable conformity with the standard of living to which he has been accustomed. But he has no right to shut his business down or to discharge any of his employees merely because he is unable to get interest on his capital or dividends on his stock or profits in excess of the amount required for his own livelihood.

Despite all the compliments that have been tendered to employers on account of their promises to keep up wages and to refrain from reducing their labor forces during the depression, we know that neither of these engagements has been completely fulfilled. Some of those who dismissed employees undoubtedly had to choose between that course and operating at a loss. On the other hand, many employers could have retained some or all of those discharged if they had been willing to get along without interest or without a normal rate of interest. Such employers violated not only charity but distributive justice. They failed to carry out their social obligation as distributors of economic resources and opportunities. They prevented the employees whom they discharged from enjoying the fundamental human right of access on reasonable terms to the common bounty of nature, the common heritage which God has destined for all the children of men. The fact that very few of the offending employers recognize this obligation frees them indeed from formal and conscious wrongdoing, but it still leaves their conduct at variance with the principles of distributive justice. They may be able to plead ignorance, but they can not plead innocence. Their attitude sadly illustrates the exaggerated notions of property and the inadequate conceptions of stewardship which prevail in our society.

Are the employers and the masters of industry morally obliged to increase the sum total of employment by finding a way out of the industrial depression? Here, again, they can exculpate themselves by a plea of ignorance. No one is bound to do a thing which he does not know how to do. A few months ago Mr. Gerard's 64 "rulers of the Nation" were asked what they would do to end the depression. Only a few of them returned any answer at all; not one of those who did respond contributed a single concrete or useful suggestion. Indeed, most of the replies

were trivial or platitudinous, the prize sample being, "The remedy is more work and less talk."

To the December, 1930, issue of *Nation's Business*, Julius H. Barnes, chairman of the board of the United States Chamber of Commerce, contributed an article entitled "The Road to Better Times." In the blurb accompanying this effusion we are told that "Mr. Barnes analyzes causes, weighs values, and gives the clue to the way out of the depression." As a matter of fact, he does none of these things. His statement of causes is hopelessly defective, while his description of remedies is verbal fog. "Words, words, words." I defy anyone to extricate from Mr. Barnes's article a single definite piece of practical and effective guidance. So far as finding the "way out" is concerned, our industrial leadership seems to be bankrupt. In this predicament the leaders can not fairly be charged with strictly moral responsibility for the continuation of the depression.

#### THE OBLIGATIONS OF THE STATE

We turn now from the obligations of justice resting upon employers to those binding upon the state, the political community. As already noted, these duties fall under the head of distributive justice. The state exists to promote the common good, and, so far as possible, the welfare of social classes, families, and individuals. In pursuing these objects the state is obliged to exemplify distributive justice toward every part of the community; that is, it must distribute goods according to needs and burdens according to capacities. The foremost duty of the rulers of the state, says Pope Leo XIII in his encyclical on the Condition of Labor, is to make sure that the laws and institutions and administration "shall be such as of themselves to realize public well-being and private prosperity." They should exhibit, he continues, "that justice which is called by the schoolmen distributive—toward each and every class alike." They should give special attention to "the interests of the poorer classes," for "the poor and helpless have a claim to special consideration." Hence "wage earners should be especially cared for and protected by the Government."

The immense scope of the state's functions is set forth by Pope Leo in this striking sentence: "Whenever the general interest or any particular class suffers, or is threatened with mischief which can in no other way be met or prevented, the public authority must step in to deal with it." No wider concept of state functions could be desired by any realistic person. Nor are we likely to find anywhere a more pointed condemnation of the shallow doctrine that the state should avoid "class legislation."

#### UNEMPLOYMENT RELIEF

The obligation of the state to the unemployed has two phases, material relief and the provision of jobs. When private resources are inadequate it is clearly the duty of the public authorities to provide food, clothing, shelter, and the other necessities of life. In any given condition, therefore, the question of the state's obligation becomes the question whether the existing distress can be relieved through voluntary effort. Despite the complacent attitude of men in high places, it seems fairly well established that private charity will not bring adequate relief to all those who are in grave need in many parts of the United States this winter. In particular, the deplorable condition of thousands in the drought-stricken States seems to demand public in addition to private relief. The same thing is probably true of other thousands in several of our cities and towns. In this grave emergency, this disgraceful condition of dire want in the midst of plenty, the quality of mercy is not, or at least should not be, strained. It is infinitely better to sin on the side of abundant and even of wasteful relief than to permit men, women, and children to starve in the interest of a shallow and doctrinaire theory about the impropriety of public relief. Referring to a similar though less urgent and exigent situation, Pope Pius XI declares in his recent encyclical on Christian Marriage: "If, however, private resources do not suffice, it is the duty of the public authority to supply for the insufficient forces of individual effort, particularly on a matter which is of such importance to the common weal, touching as it does the maintenance of the family and married people. . . . Hence, in the making the laws and in disposing of the public funds they (the rulers of the state) must do their utmost to relieve the penury of the needy, considering such as one of the most important of their administrative duties."

#### THE PROVISION OF JOBS

One frequently hears the assertion that the laborer has a right to work in the sense that he has a right to a job. Obviously, a man does not possess such a right against employers in general; nor even against his present or former employer if it can not be realized without monetary loss. As stated above, an employee has a right in distributive justice, because of the employer's social function, to be continued in his present employment so long as this does not involve loss to the employer. When any considerable number of workingmen are unable to find employment, the duty of supplying it devolves upon the state. The argument for this proposition may be summarily stated in the following terms: Laborers have a right to obtain a livelihood from the common bounty of the earth on reasonable conditions; in the present system this right can be realized only through employment; the State is obliged to protect the rights and make adequate provision for the needs of every class; therefore the principles of distributive justice oblige it to furnish jobs to the jobless.

#### PUBLIC WORKS

How shall the State provide employment? The concentration and increase of public works in a period of depression has for



many years been among the standard remedies proposed by economists. In December, 1928, Governor Brewster of Maine recommended an elaborate program of this sort, and the public was given to understand that it represented the views of President-elect Hoover. Last June the President was requested to exercise his influence on behalf of a bond issue of \$3,000,000,000 for road building. He declined to do so. No adequate action along this line has been taken by Congress. The much-advertised increase in the Federal outlay for public works in 1930 amounted to only \$4,000,000. The national administration has taken great satisfaction in declaring that the amount available for Federal construction work during this year will be \$450,000,000 more than was spent in the year 1928. This additional appropriation is, however, utterly insufficient to provide jobs either directly or indirectly for our 5,000,000 unemployed.

A few weeks ago some eighty economists signed a statement expressing the view that the Federal Government should appropriate \$1,000,000,000 for public works. Even this amount would be inadequate. Five billion dollars would not be excessive. Suppose that the expenditure of this sum on public buildings, roads, navigation, flood control, forestry, elimination of grade crossings, and other legitimate public enterprises, required two years; suppose that one-half went for wages and one-half for materials, and suppose that the average wage was \$1.250 per year. On these suppositions, 1,000,000 persons would obtain employment for two years, while a considerably greater number would be required to produce the goods and the materials necessary to supply the demand evoked through the initial outlay for labor and materials. The beneficent and far-reaching effects of the original expenditure upon employment can be roughly estimated on the assumption that one-half of every dollar directly or indirectly added to the purchasing power of the community is paid out for wages. Incidentally, the effect upon the public mind, particularly the business mind, would be tremendous. In so far as fear is a factor in prolonging the depression and preventing recovery, its influence would be totally eliminated.

Of course, the administrative difficulties in the way of such a program are very great, but they are not insuperable. I have been informed on very high authority that upwards of a half million men could be employed almost immediately upon necessary Federal public works of various kinds. If the actual distribution of this fund in wages and for materials got well under way in six months, the project could be called a success. After all, no one knows whether there will be a considerable revival or any revival at all of business next spring. No industrial leader nor any business expert would stake his reputation upon the prediction that business next summer will not be worse than it was last summer. Definite forecasts of business recovery have gone out of fashion.

The distance, the difficulties, and the time involved in the uphill journey back to something like normal prosperity is indicated by the fact that, according to the *Annalist*, the decline in general business activities between October, 1929, and January, 1931, reached the astonishing figure of 28 per cent.

#### HIGHER INCOME TAXES

How shall a \$5,000,000,000 program of public works be financed? Obviously through a bond issue. Money is now so plentiful that \$5,000,000,000 of Federal bonds, paying not more than 3 per cent interest, could be marketed within 30 days. Of course, the sale would be spread over a longer period, inasmuch as the proceeds would not all be needed at once. A substantial part of the amount might not be needed at all. At 3 per cent, the annual interest charge on the total issue would be \$150,000,000, which is \$10,000,000 less than the foolish reduction made in the personal income tax last year. The surtaxes could be increased sufficiently to produce that \$150,000,000 without depriving a single person of either comforts or luxuries. In the year 1928, 511 Americans paid taxes on a million or more dollars of personal income. Dividend and interest payments made by corporations to individuals during the "depressed" year of 1930 exceeded those of 1928 by more than \$2,000,000,000. These are merely a few illustrations of the general fact that the surtaxes on personal incomes could without any genuine hardship to any person be raised sufficiently to provide for a program of public works which would probably be adequate gradually to provide employment for almost all those now out of work and gradually to end the existing industrial depression. No other means of attaining these ends has been suggested or is in sight. When the Government enacts such a measure for the unemployed and collects the cost of it from the receivers of large incomes it exemplifies both elements of the fundamental formula of distributive justice, namely, benefits according to needs and burdens according to capacities. The obligation to adopt this course rests primarily upon Congress and secondly upon the President of the United States.

A very short step in this direction is contemplated in the "prosperity reserve" bill introduced by Senator WAGNER more than a year ago. The indifference toward this proposal exhibited by men in high public places is strikingly shown by the fact that it has not yet been enacted. Senator WAGNER's bill providing for the effective and comprehensive collection of statistics about unemployment has become a law, but Congress failed to appropriate money for its operation. The same Senator's bill to set up an adequate system of employment exchanges passed the Senate, but has been effectively stopped in the House of Representatives. All three of these measures are elementary in any program dealing with unemployment. That none of them has yet been enabled to function is a very discouraging reflection upon the conception

which Congress holds of its moral obligations to the laboring masses who, in the words of Pope Leo XIII, "have a claim to special consideration."

#### UNEMPLOYMENT INSURANCE

The enormous suffering caused by unemployment places upon the community a definite and grave obligation to provide an adequate system of insurance. Voluntary arrangements by employers or by employers and employees jointly, although praiseworthy in the few cases where they have been adopted, can not become either general or adequate. A compulsory universal scheme is necessary. However, none of the European state systems of unemployment insurance is desirable in the United States. The best plan for American conditions would be one embodying the essential features of our workmen's compensation laws. In the tentative draft of a bill made by the American Association for Labor Legislation for submission to the State legislatures the main feature is the creation of an unemployment reserve fund, exclusively through contributions by the employers. The chief merit of this proposal is that it would place the burden of unemployment precisely where it belongs.

Men who must spend all their lives as wage earners and who have no other way of realizing their natural right to a decent livelihood have a just claim upon industry for sufficient compensation to protect them against all the needs and contingencies of life. When the unemployment hazard can not be met out of wages it should be provided for through some other payment derived from industry. Justice demands that this obligation should be placed upon the masters of industry because they have preempted the wage earners' time and services and they possess or can obtain the means of making the necessary provision. And the State is properly charged with the obligation of enacting and administering the necessary legislation.

#### UNEMPLOYMENT PREVENTION

Both employers and the State are morally obliged, so far as they can, to prevent the recurrence of such depressions as have existed in the United States for the last 15 months. In order to be effective, preventive measures must obviously attack the principal causes. It is pretty generally recognized now that our present unemployment is mainly technological; that is, caused by a rapid and widely extended displacement of men by machinery and other improved processes. As a consequence we have a condition which may correctly be described, according to the point of view, as overproduction or underconsumption. Some restriction is necessary in certain industries where the overproduction may properly be called absolute, for example, in the production of wheat, cotton, shoes, and probably some other commodities. In these industries productive capacity seems to be in excess of all the demand that would be forthcoming even if all persons had the money to purchase all that they want of these commodities.

The main remedy, however, relates to underconsumption. Those who would like to consume more should be provided with reasonably adequate purchasing power. The necessary and sufficient means to this end are higher wages and shorter working time. The latter would indirectly bring about the former through increase in the demand for labor. If employers were sufficiently organized, they could establish both higher wages and shorter hours, although the latter is probably much easier of attainment than the former. A definite obligation rests upon the masters of industry to make a systematic, sustained, and organized effort to achieve both these objects. The suggestion occasionally heard that the directors of industry should combine to curtail the production of certain commodities without reducing the working time deserves no consideration whatever. To adopt this method would be to make the unemployment situation worse.

If Congress and the State legislatures had the requisite constitutional power, they could bring about the necessary redistribution of purchasing power and shortening of hours more quickly and more effectively than any combination of employers. Unfortunately, the Supreme Court has declared unconstitutional minimum-wage legislation, even by the States, and it would probably pass the same judgment upon short-hour laws, applying to men as well as women in all industries. At present there is very little that our legislative bodies can do in this direction beyond setting an example to private industries, by paying adequate wages to and reducing the working time of public employees and inserting the same regulations in all contracts for public work.

Throughout this address I have tried to expound one comprehensive proposition, namely, that the present unemployment places upon both the employers and the public authorities certain definite obligations of justice. The burden upon their consciences can not be adequately expressed in terms of a remote counsel of perfection, or a vague requirement of civic loyalty, or an empty profession of humanitarianism. The obligation binding them falls under the same virtue, which requires them to repay borrowed money. In attempting to apply the great principle of justice to the conditions of our unemployment situation I may have made some mistakes, but I know that I have not exaggerated the pertinency of the principle. Until the demands of justice are specifically and comprehensively recognized there can be no adequate solution of the problem of unemployment. Such is the general conviction of mankind. In the words of Henry George: "Though warped by habit, superstition, and selfishness into the most distorted forms, the sentiment of justice is yet fundamental to the human mind, and whatever dispute arouses the passions of men the conflict is sure to rage, not so much as to the question 'Is it wise?' as to the question 'Is it right?'"



## INTERIOR DEPARTMENT APPROPRIATION BILL

The Senate resumed the consideration of the bill (H. R. 14675) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1932, and for other purposes.

The VICE PRESIDENT. The clerk will report the pending amendment.

The CHIEF CLERK. The Senator from Oklahoma [Mr. THOMAS] offers the following amendment: On page 63, lines 16 and 17, strike out the following language:

Kiowa, Comanche, and Apache, \$51,000.

And on page 60, line 7, strike out "\$1,292,000" and insert in lieu thereof "\$1,343,000."

The VICE PRESIDENT. The Chair would invite the attention of the Senator from Oklahoma to the fact that there are two amendments embraced within the proposal.

Mr. THOMAS of Oklahoma. Mr. President, the amendment provides, first, to strike out the amount of money proposed to be taken from the trust fund, and the second portion provides that the same amount of money shall be added to the sum of money coming from the General Treasury. I now ask unanimous consent that when the vote is had upon the amendment the same may be divided and the first part, relating to the striking of the \$51,000 as it applies to the trust fund, be voted upon first.

Mr. SMOOT. Of course, if the first amendment, to strike out \$51,000 on page 63 for the Kiowa, Comanche, and Apache Indians, is agreed to, then I certainly am not going to object to having the amount changed in the other place, because the Indians must have the money in order to live.

Mr. THOMAS of Oklahoma. I thought so; but inasmuch as objection was made, I would rather see it stricken out than to have it come from these people.

Mr. SMOOT. That is not the question.

Mr. THOMAS of Oklahoma. That is the reason why I separated my amendment into two parts as I did.

Mr. SMOOT. I want to assure the Senator from Oklahoma that if the first part of the amendment, to strike out \$51,000, is agreed to, and if he does not do so, I shall ask that that amount be added at the other place in the bill.

Mr. THOMAS of Oklahoma. Then I ask unanimous consent that the amendments may be voted on as one, inasmuch as the Senator in charge of the bill states that if the first part carries he will ask that the second part be agreed to.

The VICE PRESIDENT. Is there objection to having the two amendments voted on together?

Mr. SMOOT. I will take up the question with the Senator from Oklahoma. I have no objection, but I think the RECORD ought to show where the \$51,000 should come from if it is stricken out at the point referred to by the Senator from Oklahoma. I suggest to him that we prepare an amendment so that if the first part of the amendment carries as proposed by the Senator from Oklahoma, the amount will be provided for elsewhere. In other words, I notice in the Senator's amendment it provides on page 60 to strike out and insert.

Mr. THOMAS of Oklahoma. That is just the amount of money stricken from the tribal funds and placed in the General Treasury in connection with the general Budget item.

Mr. SMOOT. Very well.

The VICE PRESIDENT. The matter will remain in abeyance.

Mr. KING. Mr. President, I regret, in view of the important questions before the Senate, to occupy the time of the Senate, but I feel that there are few, if any, questions before the Senate more important than the one relative to the Indians and the attitude and obligation of the Government toward its wards. It is appropriate to discuss the Indian question when a bill is under consideration which deals with the Indians and carries approximately \$28,000,000, which, it is stated, will be expended in their behalf during the next fiscal year.

My interest in the Indians is not of recent origin. From a boy I have been interested in the welfare of the Indians

and have believed that the Government failed in its duty toward them. When I came to the Senate I became a member of the Committee on Indian Affairs and served for some little time. However, I had so many other committee assignments I felt compelled to resign because I was unable to give the attention to the work of the committee which the situation demanded. My interest in the Indians did not abate and I interested myself as best I could in matters relating to them. Many Indians communicated with me, either by letter or in person, and presented facts which, in my judgment, called for radical changes in the policy of the Government in dealing with the Indians. My attention was brought to cases where Indians had sought legislation which would permit them to bring before the courts some of their grievances and claims for damages which they had sustained by reason of injustices and cruel legislation. I endeavored to secure the passage of bills to permit them to sue in the Court of Claims to determine their rights, and also tried to aid them in securing legislation that would improve their condition and relieve them from objectionable, unwise, and oppressive measures enforced upon them by the Indian Bureau. The more I studied the Indian problem the more I was convinced that it must be dealt with fundamentally; that much of the machinery that had been erected must be destroyed, and a new policy adopted which would deal justly with the Indians and prepare them for an honorable status among the citizens of the United States.

Several years ago I offered a resolution calling for a comprehensive study of the Indian question with a view to determining what course should be pursued by the Government and what changes should be made in the existing Indian system. That resolution was bitterly fought by the Indian Bureau. It was opposed to any investigation by the Senate and indicated hostility to any plan that would remedy existing conditions or inaugurate a different policy in dealing with the Indians. It took several years to secure the passage of my resolution, but it finally was passed and a committee of the Senate was appointed to make a study of the Indian question and to submit recommendations to the Senate. The chairman of that committee is the senior Senator from North Dakota [Mr. FRAZIER]. The committee has visited several reservations, has heard the testimony of many witnesses, and has obtained valuable data which will be of benefit to Congress in its future dealings with the Indians. I hope the labors of the committee will be concluded and that it will submit—as I feel sure that it will—recommendations that will aid Congress in enacting legislation so imperatively demanded if the Indians are to be justly and fairly dealt with by the United States.

The bill under consideration continues many of the evils and injustices of the Indian system. It seems that Congress and the Indian Bureau are satisfied to adhere to traditional policies under which the Indians have been subjected to unjust treatment and have been compelled to submit to conditions which have been obstacles to their progress and development.

The able Senator from Oklahoma [Mr. THOMAS] has spoken at considerable length and has challenged attention to many of the evils which the Indian Bureau has fostered and suggested measures to ameliorate conditions which have been condemned by those who are familiar with the Indian problem.

I regret that the address of the Senator from Oklahoma was not heard by every Senator. He has submitted facts that should be understood by the Senate, and has presented data with which Congress should be familiar in order to properly legislate upon Indian matters. I hope that the facts presented will come to the attention of the American people, and particularly to those who are interested in the welfare of the Indians. I appreciate that Senators are engaged in committee work and in the performance of public duties which detain them from the Senate Chamber, but I hope they will seek an opportunity to examine the data submitted by the Senator from Oklahoma. I appreciate the fact that the multitude of questions brought to the attention of Congress make it impossible for Senators to become



familiar with all of them. The work of Congress is constantly increasing. The activities of the Federal Government are being multiplied, and the questions before Congress are becoming so numerous, as well as so complex, that it is humanly impossible for the most diligent Senator to acquaint himself with them. But I emphasize the importance of Senators studying the Indian question, because there are moral questions involved, and the interests and welfare of several hundred thousand human beings are at stake. The Indian question has not been settled. The problem has not been solved, and there is before us a vital, living question, which can not be ignored, but which demands that it be answered. We must, therefore, with determination face this question and work out a policy that will settle this perplexing problem.

I have seen statements contrasting the condition of the Indians at the time our Government was organized and their condition now; and the conclusion was drawn that the conduct of the United States has been reactionary and oppressive, that those charged with administering the laws of Congress dealing with the Indians have been derelict and negligent and too often cruel; as a result of which the Indians were in a worse condition now than they were a century and a quarter ago. All fair-minded persons must confess that the Federal Government has not been a faithful guardian of the Indians, that it has failed to discharge its duty to those upon whom, often by force and violence, it imposed its rule.

The present Secretary of the Interior, in his testimony before the House Appropriations Committee November 19, 1929, said:

The Indian Bureau has gone on for 100 years without any far-reaching idea of what it was trying to accomplish. This is my interpretation of it.

The Indian has been kept a serf to the soil; the one thing that we came from Europe to escape from and succeeded in doing, we have inflicted upon the Indian. We have tied him to his property. We have insisted upon his localization there.

I might, by way of parenthesis, state that too often the Indian has been robbed of his property; that instead of tying him to the property, thousands and tens of thousands of Indians have been driven from their lands and homes of their ancestors, and they have been left to wander about the country, often driven by the military forces of the United States.

Resuming the statement made by the Secretary:

That was based, of course, upon the fact that we captured him and located certain areas and put him there as a prisoner. From a prisoner he became a ward and then we mixed into that the idea of some sentimentality—of giving him a square deal. At any rate, we had him know how far the Government got in their effort? \* \* \* I think the story of the Indian wars shows quite conclusively that the white man took what he wanted; and there is a sting of injustice in the hearts of most of the Indians about the whole situation.

May I digress to remark, Mr. President, that there is more than a sting of injustice; there is a bitter feeling in the hearts of many Indians; they believe that they have been robbed by the white man and by the Government of the United States.

The Secretary also declared that the Indian problem is the "greatest national responsibility we have." I ask Senators whether we have discharged our duty in dealing with this great national responsibility?

President Lincoln, in his message to Congress in March, 1865, invited the attention of Congress to the Indian problem, stating:

I submit for your special consideration whether our Indian system shall not be remodeled. Many wise and good men have impressed me that this can be done.

May I say, Mr. President, that Mr. Lincoln evinced his deep interest in the Indians and his solicitude for their welfare. As I understand the record, he sought to carry out executive policies calculated to effect reforms and to introduce more humane methods in the Government's treatment of the Indian. Despite that recommendation made by President Lincoln to the Congress, no constructive measure

was adopted and no important change in the policy was made by the Congress of the Indian Bureau.

The present Commissioner of Indian Affairs, in his statement before the Committee on Appropriations of the House on the 19th of November, 1929, said:

The Indian has presented a problem of national interest for many years. As civilization advanced through the western half of the United States the Indian population was driven before it until it became necessary to establish reservations for the exclusive use of the Indian race.

It will be observed that the Indians were driven from their possessions by military force and placed upon reservations, and those reservations from time to time were restricted; large portions were "lopped off," to use the language of the street, and made available for public entry or for acquisition by the whites or added to some Government reservation. So the Indians, little by little, were confined to limited areas, and, as I said a few moments ago, lost the lands of which they were the owners.

It was the rule that the hand of the white man has been raised against the Indian. William Penn's policy demonstrated what could be done if a course of kindness and justice was followed. Unfortunately, the humane and Christian spirit which animated him did not always control the conduct of the white settlers in their dealings with the Indians; indeed, some of the settlers who had been the victims of persecution and intolerance in other lands forgot their professed principles and sought the extermination of the Indians. They were not satisfied with taking from them their lands without compensation, but they regarded them as impenitent and unregenerate beings fit only for destruction. The Indians were driven from their homes; their limited personal possessions and their primitive houses were burned, and many thousand were killed in sanguinary conflicts. The Indians soon learned that the white man was his enemy, who coveted the territory which he and his ancestors, from time immemorial, had possessed; and that the might and power of the white man constituted an irresistible force against which he was impotent. Where they were not exterminated they were forced from their homes and from lands which they regarded as their own. It is obvious that the merciless march of the white man would inspire for them fear and resentment and provoke conflicts, even though the Indian knew the fate which awaited him.

We are not without record of the protests made by the Indians and of the appeals for mercy and for some modicum of magnanimity in the conduct of the whites. The history of those early days is replete with eloquent appeals made by Indian chiefs in behalf of their peoples, but all their appeals were in vain; and though treaties were negotiated between the invaders and the Indians and solemn promises made by the former, the Indians soon discovered that no reliance could be placed upon promises and solemn conventions, and that the march of the white man would continue westward, uninterrupted, ruthless, and triumphant. Occasionally the voice of some great white leader was raised in their behalf, but its echoes were soon lost in the resounding clashes between the red man and the white man.

General Washington declared to the Iroquois in 1790 that—

\* \* \* The General Government will never consent to your being defrauded, but will protect you in all your rights.

This pledge of General Washington was not kept by the Government. Of course, he was not at fault; it was the fault of Congress and the indifference of the people to their legal and moral obligations.

International law as expounded and accepted in the Old World at the time of the discovery of America and the settlement of the American Colonies accepted the view that under the conditions prevailing in the New World, there being no organized government such as was recognized by European nations, the land and its inhabitants were subjected to conquest, and that the conquering nation obtained title to the conquered territory. That view seemed to be entertained by those who settled the thirteen Colonies, and



it likewise obtained when the Government of the United States was established.

Chief Justice Marshall declared that the potentates of the Old World convinced themselves that they made ample compensation to the inhabitants of the new by bestowing on them civilization and Christianity in exchange for unlimited independence. He then said:

The United States, then, have unequivocally acceded to that great and broad rule by which its civilized inhabitants now hold this country. They hold and assert in themselves the title by which it was acquired.

He further stated, in effect, that discovery gave an exclusive right to extinguish the Indian title of occupancy, either by purchase or by conquest, and that the Government of the United States had the same power to dispose of its territory as had the British Government or its grantees.

Under this policy the Indians were dispossessed of their lands and driven westward by the invading tide of white settlers. Senators are familiar with the Indian troubles in Georgia, Alabama, and other Southern States, and the final removal to the West of the Indians of that section. Their removal was assisted by no inconsiderable number of the armed forces of the Government. Occasionally voices were raised in behalf of the Indians and demands made that a more humane policy be inaugurated; but the tide remorselessly pressed onward, and the Indians were driven from east of the Mississippi to the Great Plains and to the western regions of our country. The Indians, however, soon discovered that they could not have peace or rest even in this almost boundless region into which they had been driven. The white man still pursued them; and their hunting and fishing grounds were invaded, and their independence and freedom still further restricted. The injustice of this policy resulted in the establishment of reservations upon which the Indians were placed, where it was believed by them they might live without further molestation. Indeed, they were promised security and immunity from interference. It is true the Indians, in many instances, objected to this policy and to the restrictions which were imposed upon them, but within the reservations there was not security or protection from the invading whites. Often in contravention of solemn treaties the boundaries of their reservations were narrowed and the territory guaranteed to them by treaty was taken from them to be occupied by their pursuers. Many reservations were established by Executive proclamations, and Indian tribes removed thereto, against their will, from lands which they were in possession of and which belonged to them.

Some of the reservations to which they were removed consisted of desert, arid, and mountainous lands, barren of resources which would furnish them the necessities of life. This policy of the Government in dealing with the Indians often aroused the Indians and resulted in armed conflicts. These Indian wars resulted in the loss of many lives and cost the Government tens of millions of dollars.

Military forts were established in many of the Western States and Territories; and the Indians, under the threat of further military operations, gradually accepted the situation; but there rankled in their hearts a feeling that they had been grievously wronged, and that the white man had robbed and despoiled them of their lands and subjected them to a despotic rule.

As the Indians were driven from their homes and hunting grounds, and as the reservations assigned to them were narrowed and restricted, starvation and death invaded many tribes, and the surviving members not infrequently sank into a most wretched condition. The Government, sometimes for the purpose of ending wars and because the means of livelihood had been taken from the militant tribes, introduced the system of ration, which has not proven of advantage to the Indians. That the policy of the Government in dealing with the Indians has been a tragic blunder must be conceded by all. Indeed, many have said it has been indefensible and criminal. Certainly it can not be defended. Under it the Indians have been robbed and despoiled of their lands, and have been surrounded by ob-

stacles that have prevented their development and progress. Examples are numerous showing the capacity of the Indians for intellectual and cultural growth. Under proper treatment they can reach a high state of civilization. Our policy has prevented their growth, intellectually and morally.

From the beginning the attitude of the Government and of American citizens toward the Indian has been wrong. That is apparent from the record which has been made. It seems unbelievable that a great Christian nation such as this, with its wealth and its progress, should have such imperfect and unsound measures to deal with this important problem; and even now, with the monumental evidences of failure and injustice that surround us, we seem incompetent to evolve a better system or to change from the disastrous policies which we have so fanatically followed. Investigations have been made from time to time, based upon confessions that the Government had failed in its duty and that the Indians were the victims of an unwise and unjust system. Recommendations which have been made have been wholly ignored. A bureaucratic system has been built up under Federal legislation, and it has contributed to the failures and injustices to which I have referred. Perhaps in no department of the Government is there such an inefficient and oppressive bureaucracy as that which has grown up in the Indian Bureau.

I pause here to remark that I agree with the statement just made by my distinguished friend from Oklahoma [Mr. THOMAS]. No doubt most of the employees in the Indian Bureau faithfully performed their duties, but they were bound by rules and regulations and bureaucratic control to the extent that they could not render efficient service. They were hampered and gagged and could act only as the machine permitted. The system is defective and the inertia of bureaucracy has affected the morale of the department and those within it. However, Congress can not escape responsibility. It has failed to visualize this great problem and to understand the vital issues involved in the Indian problem, and it has failed to devise means that would advance the Indian and promote his civilization; and many in the Indian Bureau have felt compelled to follow the lines laid down by Congress when their judgment indicated that a wiser and different course was imperatively required if the civilization and development of the Indians were to be realized.

I hope that the new Commissioner of Indian Affairs, benefiting by the experience of the past, appreciating the weakness and the tyranny and the inefficiency and the wrongs of bureaucracy, will, so far as he has power, hew out a new path, cut the red tape which to-day envelops the bureau and its employees, and inaugurate policies that will adequately deal with the situation.

Commissioner Rhoads has an opportunity for great public service, for a fine humanitarian work; and he will win for himself a crown of glory if he will overthrow the archaic methods which have controlled in the past and adopt a rational, sound, and humane policy that will free this Government from just criticism and help the Indians to work out their destiny.

But, Mr. President, whenever legislation has been suggested in the interest of the Indians, the Indian Bureau has usually opposed it. It has been a law unto itself. It has been hostile to those suggestions which mean emancipation from archaic conditions, liberation from bureaucracy and the red tape and the tyranny which has been its guide.

I am reminded of a statement made by a distinguished Congressman, Hon. CLYDE KELLY, of Pennsylvania, a Republican, during a Democratic administration, as I now recall, in an address which he delivered in the House of Representatives a number of years ago. In speaking of the Indian Bureau, he said:

The Indian Bureau system is a wastrel, profligate beyond description. It wastes every year millions of dollars collected from American taxpayers, and millions more abstracted from the possessions of the Indians themselves. It wastes still other millions which would accrue from this untaxed Indian wealth, once it was Americanized. It wastes the self-respect of a race and the possibilities of a proud people. It wastes material resources by inefficiency, and spiritual resources by dependency and pauperism. It wastes the confidence of the Indians by setting up decoys that



lead them to their doom. It wastes their labor by setting them at futile tasks which have no value in American civilization. It wastes their youth in segregated schools which perpetuate tribalism. It wastes their maturity by keeping them in wigwams and teepees and making them aliens in the land of their fathers. It wastes money and manhood, character and citizenship, and conserves only idleness and ignorance and vice. In this day of conservation, it is time to stop this waste. In this day when overburdened taxpayers are praying for economy it is time to save money whose expenditure works injury to the American Indian and the American public alike.

A number of years ago an investigation of the Indian Bureau and the condition of the Indians was made by a committee of the House. Hon. Homer P. Snyder, as I recall, was the chairman of the committee—a Republican from the State of New York. After the investigation, in a speech delivered in the House, he referred to the work of the committee and the result of the investigation. In the course of his remarks he said:

The Indian Bureau is a government within itself. As it is now managed, there is not a single activity carried on in the Government itself that is not carried on under the Indian Bureau except that of the Army and the Navy. Originally it was the plan to develop that bureau in the interest of the Indian, to educate him, and to encourage him to become a citizen. But every single activity which could be dragged into it under the guise of some benefit to the Indian has been injected until it would take not only the three months we have spent in the investigation but it would take double that time to make a comprehensive report of the things which are wrong in the bureau and which ought to be corrected. \* \* \* There are treaties which ought to be wiped out. \* \* \* The bureau seems to the committee to be almost a government within a government. So little attention has been paid to it that the appropriations during the last six years have increased from \$9,000,000 plus to approximately \$16,000,000. \* \* \* The statutory list of employees in the service at the present time is something over 6,000.

I wonder what Mr. Snyder would say now if he learned that the appropriation bill before us carries more than \$28,000,000 for the Indian Bureau for the next fiscal year. I shall refer to this statement of Congressman Snyder later in my remarks.

Congressman KELLY, in the speech to which I have referred, stated that the \$13,000,000 expended by the Indian Bureau is to enable—

More than 5,000 Government employees to supervise and superintend less than 50,000 Indian families. It assigns a Government agent to every 10 families for 1923, as has been the case for many years.

He also stated that this large appropriation—

Not only did not benefit the Indians, but that they have been injured thereby, and that the Indian would be better off if the bureau had been abolished 25 years ago.

He further said:

The Indians for 90 years have been under the complete control of the Indian Bureau, during which time they have been forcibly driven off their home lands and herded into reservations which were laid out in secret treaties and which have been cut in two oftentimes without a word to the Indians concerned. Not a treaty made by the United States Government with the Indians has been kept; and these acts of faithlessness have either been initiated or approved by the Indian Bureau, this great protector of a helpless people. \* \* \* But let us forget that black, hideous page of our history. These reservations, diminished even as they have been, have become very valuable.

He quotes from a book written by James McLaughlin, who for 50 years was an American official dealing with the Indian problem. Mr. McLaughlin says:

It appears to me that it is the duty of the Government to make some provision presently for the emancipation of these unhappy victims, to deliver them from the evils that guarantee a future of ungentle paupery, by giving to the Indian his portion and turning him adrift to work out his own salvation.

Major McLaughlin further stated:

The Indian was in turn browbeaten and cajoled, bribed and punished, threatened and rewarded, and all the worst elements in his character developed for want of firm, consistent, and honest treatment.

He spoke of the South Dakota tribe of Indians, which for many years lived on its own resources and conquered the difficulties before it. He states that when their lands were sold and tribal funds developed under the control of the Indian Bureau—

The condition of these Indians to-day is not as hopeful as it was when they had no wealth in expectancy and no payments to depend upon \* \* \* their advancement has been greatly retarded by the system under which they live.

He stated that the system under which they struggled was to make of them—

Paupers in chancery and that they would be better off, so far as the future was concerned, if they stood as blanketed Indians on the virgin prairie.

Mr. President, this is the testimony of an American, a man of ability, who sympathized with the Indians and desired their welfare, and who speaks out of the plentitude of his 50 years of experience with the Indians.

Mr. McLaughlin's knowledge of the work of the Indian Bureau enables him to speak authoritatively of its inefficiency, extravagance, and waste, to say nothing of its demoralizing effects upon the morale and character of the Indians themselves.

Mr. KELLY, in his address, refers to the methods employed by the Indian Bureau to perpetuate its power, and to nullify any efforts to improve the situation and bring about better conditions and more satisfactory results. He states that if an Indian shows any activity against the Bureau system or control, though he may have the support of a vast majority of the members of his tribe, that means nothing to the superintendent, who has the power to say "no." He then states:

It would take volumes to record the schemes which have been used to overthrow the will of the majority and substitute the will of a minority.

Mr. President, I have had hundreds of letters from Indians in all parts of the United States during the past 10 years, in which facts have been detailed showing the efforts of the Indian Bureau, of Indian agents in charge of reservations, and of subordinate officials, to compel the Indians to be silent when they desired to protest against wrongs and injustices to which they were subjected. When Indians dared to speak, and when they sought to bring to Senators or Representatives their grievances, efforts were made to punish them or to compel retractions, or to undermine what little influence they might have had among their associates in the tribes with which they were identified. Silence must be observed, the facts must be concealed, and the protests of the Indians against their wrongs must be hidden from the Congress and from the public.

Quite recently, when a committee came here to speak for the Indians, efforts were made by those in charge at the agency to undermine them, to procure their recall, to nullify any work which they might do in behalf of the Indians. I could refer to many instances where efforts have been made by the Indian Bureau or its subordinate officials to prevent the facts and the complaints made by Indians being brought to the attention of Congress.

Mr. KELLY in his speech refers to the rump conventions, meetings of the faithful without notice to any others, refusal to authorize traveling expenses, and the devious but effective methods employed by the bureau in smothering the desires of the Indians. Then he says:

It is brutal business, but necessary if the bureau is to endure.

He mentions a case where the Flathead Indians had an election, but the results were nullified because the superintendent did not approve of the action of the tribe.

Mr. KELLY says the Indians have interests which will forever conflict with the interests of the Indian Bureau and therefore the latter does not allow the Indians to elect their own delegates freely, nor can the Indians even select their own attorneys. I know that as a fact.

I quote further from Mr. KELLY:

Officials on the reservation and in Washington promise special favors for the silence of leaders who have voiced complaints. It is very easy to throw money and position in the way of the man who is a potential trouble maker for the bureau. Many have been tempted and some have fallen, but it is well to record for the sake of human nature that the great majority have spurned the bureau bribe and have refused to sell out their fellows for individual gain. \* \* \*



He refers to the efforts made to set one tribe against another—Flatheads against the Blackfeet and the Sioux against the Crows.

I am tempted to refer further to the speech of Mr. KELLY, wherein he shows the misconduct of the Government in dealing with the Indians. In 1855 the United States negotiated a treaty with the Blackfeet Indians which recognized their ownership to a large tract of territory bounded on the north by the Canadian line, on the west by the summit of the Rockies, and on the south by the Musselshell River and the Missouri to the mouth of the Milk River, and on the east from the mouth of the Milk River north to the Canadian line. That was to be the home and the hunting ground of the Indians, and in 1887 an Executive order, followed by other Executive orders, took away, without consulting the Indians, more than one-half of their lands. They were not advised of these various Executive acts until the military forces of the United States rounded up the Indians and drove them north.

Though the Indian Bureau was to furnish them food supplies under the treaty, in the winter of 1887 many hundreds of the Indians died by starvation.

In 1887 the Government urged the Indians to dispose of a part of their territory, and later, in 1896, the Government sent other representatives to urge them to sell the western part of the reservation. The Indians, in dealing on unequal terms, and subjected to influences coercive or otherwise, yielded, and there were placed to their credit in the Treasury \$3,000,000; but this sum has been spent by the Indian Bureau for the alleged benefit of the Indians, though they have not been benefited. The fact is that starvation and disease and ill treatment at the hands of the Government and of the Indian Bureau decimated their ranks and brought misery and wretchedness upon them.

Mr. W. W. Gibbs, who was an inspector in the Indian Service and who resigned, stated that he entered the service—

"In the belief that the Indian Bureau was designed and conducted as a benefaction to the race," but that he was leaving the service, convinced that it is the Indian's "Old Man of the Sea," who will try to cling around his neck in a strangle hold forever.

In an article published January 14, 1917, Mr. Gibbs stated that from contact and association with the Indian he had become convinced that—

His treatment by the Government is one of continued error heaped upon initial mistake—

He refers to the condition of the Indians as serfdom, which—

is a greater reproach to this Nation than was the slavery of the negro. The tenure of the title to his lands and the holding of his funds by the Government are sometimes used to coerce him into compliance with the Government requirements, thus sapping independence and undermining his character.

Mr. President, Mr. O. K. Chandler, who has Indian blood in his veins, and who is a man of integrity and intelligence, and who now represents, I understand, the Osages, the Quapaws, and perhaps some branches of some other tribes, and who is in Washington in the interest of the Indians, wrote a letter on the 8th instant to the senior Senator from North Dakota [Mr. FRAZIER], chairman of the Committee on Indian Affairs. I want to read this letter. He states:

WASHINGTON, D. C., January 8, 1931.

HON. LYNN J. FRAZIER,  
Chairman Senate Committee on Indian Affairs,  
Washington, D. C.

MY DEAR MR. FRAZIER: You will pardon me, but I just wish to get this thought across to you; it's true and reflected all down through the so-called "Indian policy" from its inception to where it has about reached, so far as the Indian is concerned, the last stage of decay:

The Indian Bureau has followed relentlessly, from a property standpoint and a human standpoint, in the handling of the Indian problem the policy of "don't let your right hand know what your left hand is doing," until the Indian is thoroughly convinced, justly or unjustly, that the bureau is doing him with both hands. And he will never get away from this viewpoint as long as the bureau keeps his hands out of his dough and their hands in—to the elbow. And the problem would become more simple and easier of solution if the bureau could tear itself away from looking upon the Indian as "none are good; no, not one,"

in the shaping of the Indian's future course of conduct and making that course possible of accomplishment.

These principles are fundamental and date back to the beginning. Take away from any race its property, its government; destroy its leadership, and deny it a voice or major cooperative part in the handling of the property of which you have dispossessed it, upon what sane theory could you expect that race to soar to heights equal to that of a race enjoying all these privileges and opportunities? It doesn't make any difference whether you start with a wild race or a tame one—you will have a dead race at the finish.

With kind regards, I am sincerely,

O. K. CHANDLER.

Mr. President, that man speaks with knowledge. He was in the Indian Service for a number of years and became acquainted with the operations of the bureau and the unsatisfactory results of its administration.

In my opinion, Congress has been derelict in its duty. Its attention has frequently been challenged to the wrongs which have been inflicted upon the Indians and the obstacles which have been interposed to legislation in their behalf. Its attention has been challenged to the Indian Bureau, and to the weakness and inadequacy of the system developed for the control of the Indians to bring about their happiness and welfare and qualify them for citizenship in this Republic. Notwithstanding these complaints, Congress has failed to deal with this question in a broad, comprehensive, and fundamental way, as a result of which there is still an Indian problem. There is no consistent, rational, sound, and satisfactory program for the development and civilization of the Indians. The Government as well as the Indian Bureau are still wandering in uncertain and devious paths, with no well-defined objective.

A committee of the Senate, under a resolution authorizing a searching and thorough investigation of the whole Indian question, has been conducting hearings in Washington and at various reservations, and has accumulated important data which will be useful if Congress and the Indian Bureau are willing to deal with this problem and determine once and for all upon a policy which will result in the salvation of the Indians temporally and spiritually. But there are evidences that the Indian Bureau and its army of employees will be averse to accepting recommendations by the committee. Indeed, as I am advised, there have been efforts to thwart its work and to discredit its activities. I can only express the hope that the investigation will prove of benefit to the Indians and an advantage to the Government; that it will be the basis of a new policy which will redound to the advantage of the Indians and enable, if it does not require, the Government to discharge in an honorable way the heavy responsibilities resting upon it as the guardian of more than 200,000 human beings.

A few days ago in the consideration of the bill now before us, I referred to the fact that much was expected of the new Indian Commissioner, but I stated that unless he had great courage and a definite objective, he would be crushed beneath the forces of a powerful bureaucracy. It is a difficult task to combat an old system founded upon bureaucratic regulation. It is one of the evils incident to all governments that powerful machines will develop; that reactionary forces are consolidated and become entrenched, and oppose reform and fight against the sunlight of progress that should stream into dark recesses of governmental and bureaucratic organizations.

I referred in my address a few days ago to what is called the "Report of Advisors on Irrigation on Indian Reservations." Secretary Work appointed in 1927 a commission consisting of Porter J. Preston, an engineer of the Bureau of Reclamation; Ray P. Teele, agricultural expert of the Agricultural Department; and C. A. Engle, supervising engineer of the Bureau of Indian Affairs, to make a survey of the Indian reclamation projects and to consider other questions connected with the functions of the Indian Bureau and conditions of the Indians. Unfortunately Mr. Teele died before the work of the commission was completed, but the commission continued in the execution of its task and submitted a voluminous report, consisting of some five hundred pages of closely printed matter, relating to many questions dealing with the Indian problem, the work of the Govern-



ment, and the work of the Indian Bureau dealing with the Indians. The report contains important data, and as I view it is a strong indictment of the Indian Bureau, and particularly its work in connection with irrigation projects. It shows the enormous sums which have been wasted by the Indian Bureau, the unsatisfactory results of many of its activities, and the deplorable condition of the Indians. I referred to the fact that this report slumbered in the archives of the Indian Bureau and perhaps would not have seen the light of day had it not been for the efforts of the Senate committee, which, as I have stated, is making an investigation of the Indian question. In the report I note under the head of "Some of the Effects and Difficulties of the Indian Bureau" that the commission declared—

That there is too much centralization of authority in the Washington office; that the officials who know the Indians and the local conditions have no authority, and that the officials who do have authority do not know the Indians and the local conditions.

The further statement is made that one of the defects of the Indian Bureau is the "disposition to continue doing things in the same way."

That is one of the propensities, the ineradicable quality of bureaucracy—continuing to do things in the same old way with all of the faults and follies and wrongs that have been incident to carrying out policies in the old way.

I commend this report to Senators and to those who are seeking to know the facts concerning the Indian situation and the work of the Indian Bureau. The report, among other things, calls attention to the 24,000 Indians suffering from tuberculosis, and to the 34,000 afflicted with trachoma.

Mr. C. R. Trowbridge, inspector, made a report in August, 1928, concerning conditions upon the Klamath Indian Reservation. From my study of the condition of the Indians I feel certain that if reports were made as to conditions upon other reservations they would reveal a situation far more deplorable and calling for more severe criticism than the report dealing with the Klamath Reservation. Under the head of "General Conditions," this paragraph appears:

General conditions are considered only fair, criticism confined largely to excessive cost of operations; unsatisfactory service rendered by some employees; lack of law and order enforcement and evident irregularities in grazing feature. Superintendent inclined to leniency with employees. Comparatively few individual complaints from Indians. Demands for removal of superintendent covered in petitions and reports submitted. Excessive absences of superintendent not conducive to efficiency.

Great possibilities for economy by abandonment of sawmill, irrigation project, and experimental farm. Not self-supporting and annual deficits, with no possibility for redemption. Budget estimates usually approved for full amount and naturally expended during fiscal year. Indians object to excessive cost of administration, ranging from 14 to 22 per cent of gross income for past three years. Excessive loans to patent-in-fee Indians, with many not secured. Office organization weak. Lax system in labor employment provided opportunity for fraud. General shake-up in personnel desirable. Excessive number of employees in forestry branch. Gross ignorance of regulations both forestry and agency branches. Breach between superintendent and forestry officials. Forestry employees performing outside work, with pay from logging companies. Heretofore, free subsistence at expense of logging companies, therefore obligated.

In another part of the report he refers to the per capita costs which are to be met by the Indians in administering the Klamath Reservation. He states that for the year 1927 the per capita costs amount to \$83 and that the Klamath Indians receive only 78 cents of each dollar of income received by them from their properties during the preceding fiscal year.

Speaking of the Indian Bureau, Mr. Edgar B. Meritt, who was with the Indian Bureau for many years as assistant commissioner and whose place has been taken by Mr. Scattergood, while testifying before the House Committee on Indian Affairs (p. 415, Vol. I), stated it was his belief that—

The Indian Bureau should separate itself from the activities of the Indians as fast as the Indians could handle their own affairs.

That was the deliberate judgment of Mr. Meritt as expressed then. I regret to say that in his activities he did not follow, as I recall, that expressed judgment, and that the policies of the bureau for which he was in part responsible

were calculated to superimpose indefinitely the bureau upon the Indians and to keep them in a state of dependency.

Mr. Meritt further stated, I believe—

That we have reached the highest pinnacle at this time of cost to the Government in handling Indian affairs.

Measure that statement, Mr. President, by the bill now before us calling for more than \$28,000,000 for the next fiscal year for the Indian Bureau. At the time this statement was made by Mr. Meritt the expenses of the bureau were very much less by several million dollars than they are for the next fiscal year.

He further stated:

It is my belief that there will be an Indian Bureau for a great many years, but that it will have its work very much reduced inside of 20 years.

At that time the appropriations for the bureau for the year when Mr. Meritt was testifying were \$12,586,336. For the year 1932 the appropriations for the bureau will be more than \$28,000,000.

In a report submitted by Mr. Cramton, accompanying the Interior appropriation bill for the fiscal year 1932, it is stated that in addition to the estimated appropriation of \$24,840,801.76, the appropriations recommended for their benefit amount to \$3,275,963. These two sums aggregate more than \$28,000,000. These facts disprove Mr. Meritt's statement that the work of the Indian Bureau will be very much reduced inside of 20 years. This bureau knows no limitation upon its expansion. It is increasing in power and authority, and its demands annually increase.

An examination of the hearings before the House committee reveals that its demands for appropriations are not denied. In my opinion, and I say this without desiring to criticize Congress or its committees, the justifications submitted by the Indian Bureau, as well as other departments, upon which appropriation bills are reported are not sufficient to justify the demands made or to warrant the appropriations which follow.

I wish I had time to challenge attention to the hearings before the House committee upon the 1931 and the 1932 appropriation bills. I think that I am within the bounds of accuracy when I state that the hearings are disappointing to those who seek to learn the condition of the Indians and their needs. The representatives of the various departments and bureaus—and I am speaking now particularly of the Indian Bureau—submit statements as to what they want. These are called "justifications." In substantially all instances the amounts asked for are granted. It seems to me, Mr. President, that vigorous cross-examination of the representatives of the various bureaus would elicit the fact that many of the items which are demanded are extravagant and wasteful and that the appropriations carried in the bills are not justified.

Referring to the Indian Bureau I find in the House hearings upon the Interior Department appropriation bill for 1931 a statement by Mr. W. A. Du Puy, assistant in charge of publicity, Indian Bureau.

May I say by way of parenthesis that many of the bureaus have publicity agents, and the departments have publicity organizations, which are used to voice the views of their officials and indirectly to defend their policies. However, this publicity agent wrote a letter which was condemnatory of the bureau with which he was connected. The following is from the letter:

The condition of our Indians is deplorable. Something has got to be done about it. It ought to be brought out in the open and talked about until the people and Congress are aroused to action.

Mr. Du Puy was suggesting to the editor of Good Housekeeping that there should be agitation to accomplish this result.

It would be a work of supererogation to marshal the volume of testimony given before committees and by persons familiar with the Indian Bureau and its workings. The condition of the Indians after half a billion dollars has been spent in their behalf during the past 50 years proves that the Indian Bureau has failed in its duty, and that Congress has been indifferent to the magnitude of the Indian prob-



lem and the inadequacy of the measures adopted for the salvation of the Indians. It is time that Congress addressed itself with earnestness to remedy a situation which subjects it and its agents to merited criticism. Human beings are involved; not only their property rights but their personal rights are in the hands of the Government and its agencies. The Indians are powerless; they have been stripped of their property, and, as Secretary Wilbur said, "have been kept serfs of the soil."

The bill under consideration does not challenge the old way and the old methods but strengthens them; and as I view the situation, it gives no promise of relief from the bureaucratic policies which have borne so heavily upon the wards of the Government. Fundamental changes are required in order to deal justly with the Indians. Pending these fundamental changes there should be radical changes in administrative policies.

The Forest Service in the bureau should be reorganized. Under the present policy the Indian forests will soon be destroyed, and the Indians who own them will be deprived of any source of revenue. May I add, parenthetically, that the La Follette Act of 1909 dealing with the Menominee Indians required selective cutting, but the Indian Bureau violated the law and "cut clean"—a phrase which is readily understood by lumbermen—until the year 1926. It is believed by many that if the control of the Indian timber should be transferred to the United States Forestry Service it would be more advantageous to the Indians than the policy pursued by the Indian Bureau.

There should be an immediate reorganization of the irrigation service. A number of projects should be transferred to the Reclamation Bureau in harmony with the recommendations contained in the Preston-Engle report.

In any event, there should be an appraisalment of the benefits derived or to be derived by the users of the water supplied by the irrigation projects. In all of the irrigation projects the indebtedness should be scaled down to a figure which is fair and just and, of course, which is below the total indebtedness shown by the Indian Bureau. There should be no further money wasted upon projects condemned by all the engineers, among them being Fort Peck, Blackfeet, Klamath, and the present extensions upon the Flathead, Crow, Fort Belknap, and one or two other reservations.

It is important that steps should be taken to terminate the present extravagant and, as many believe, the inhuman boarding-school system. In 1932 the boarding schools are to receive \$11,000,000, as shown by the pending bill, for 21,000 children, or more than \$500 for each child. If these children were placed in day schools at or near their homes, the cost would not exceed \$100 per child and, of course, the result would be infinitely better. This would supply \$8,000,000 or more for the benefit of the Indians or to be returned to the Treasury.

It may be that boarding schools are necessary upon portions of the Navajo Reservation, and possibly in one or two other reservations. At least 98 per cent of the Indian children who have attended boarding schools returned to their homes. They have not been fitted by the instructions received—or the lack of instruction, I should say—in the boarding schools, to find places in the economic and industrial field occupied by the whites; and upon return to their homes have become a part of the tribe and have accepted the tribal customs. It can be said that the boarding schools, so far as fitting the Indian children for a place in the industrial life of the whites is concerned, have been failures. A limited number hold their own and become useful citizens. However, because of their isolation in the boarding schools, they can not adjust to conditions existing among the white race. They face a situation in which, no matter how desirous they may be to succeed and no matter how intellectual they may be, they encounter almost insurmountable obstacles to success.

The day-school system would secure better results and certainly would be more satisfactory if the Indians were

permitted to attend schools where white children are being educated.

There are 103,368 Indian children eligible for school. There are 67,525 in some school—the rest are not in any school. There are about 21,000 in Government boarding schools and about 4,000 more in missionary boarding schools. There are 36,000 in public schools and about 5,000 in Indian Bureau day schools.

Mr. President, I call attention in corroboration of what I have said concerning the boarding schools to a memorandum prepared by Mr. Chauncy S. Goodrich, of San Francisco. Mr. Goodrich is a lawyer of eminence and is familiar with the Indian situation. The memorandum, however, deals rather with the authority of the Indian Bureau to force Indian children into boarding schools:

It is well known that Indian parents are induced to let their children go to boarding schools under threats, sometimes veiled, sometimes not, that otherwise they will not receive from the Government their full quota of rations, etc., even though these are secured by treaty. Sometimes threats fail, or their use is deemed unavailing, so force is employed, as Mr. Dane Coolidge's statement makes clear.

He refers to an article by Mr. Coolidge entitled "Child Catching Among the Navajos."

What is not so well known is that such threats, or force, to coerce Indian children's attendance at schools off the reservations are absolutely illegal. In the brief period 1893-94 this was not the case. Congress in the earlier year gave statutory effect to a policy enabling Indian agents to secure school attendance by the withdrawal of rations, clothing, annuities, etc., from parents whose children played hookey. (27 U. S. Stats. L. 628, 635.) But in 1894-95 it retraced this rather questionable step, required consent to be voluntary, and declared:

"It shall be unlawful for any Indian agent or other employee of the Government to induce, or seek to induce, by withholding rations or by other improper means the parents or next of kin of any Indian to consent to the removal of any Indian child beyond the limits of any reservation." (28 U. S. Stats. L. 313, 906.)

And subsequent legislation was along the lines of requiring the parents' voluntary consent. (29 U. S. Stat. L. 348.) Although the policy of enforcing school attendance by withdrawal of rations was again authorized in 1913, in the case of a single tribe, the Osages. (38 U. S. Stats. L. 96.)

There is only one Federal decision on the point in question. But it clearly defines the situation after the enactments of 1894-95. Judge Shiras said, in a case involving the liberty of an Indian girl, removed from a reservation to a boarding school only a few miles away (In re Lelah-Puc-Ka-Chee, 98 Fed. 429, 433-435):

"The next question for consideration is whether the Indian agent has a right to compel the attendance of the Indian at the training school, regardless of the wishes of the parents or of the children themselves. My attention has not been called to any act of Congress making attendance upon this school compulsory upon the children of the reservation, or conferring upon the agent the power to take the children from their homes and place them in the school, and to enforce their remaining at the school by measures restrictive of their personal liberty; and I do not understand that this compulsory power is claimed to exist, on behalf of the respondents. In the answer filed to the petition for the issuance of the writ, it is averred that:

"Under the laws of Congress, and in accordance with the provisions of the rules and regulations of the Commissioner of Indian Affairs, it is the duty of the agent of said reservation and the superintendent of the Indian school, in so far as possible, to secure the attendance of said school of all children between the ages of 5 and 18 years."

And this statement, in my judgment, fairly defines the power vested in respondents as Indian agent and superintendent of the Indian school.

But the duty to secure the attendance of the children at the school does not include the power to compel their attendance by force, contrary to the wishes of their parents. Certainly the right to supersede and override parental control in such matters can not be based on anything less than congressional action to that end, even if that would be effectual unless it was concurred in by the Indians acting in their tribal capacity.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the remainder of the memorandum, prepared by Mr. Goodrich, from which I have been reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

The judge then considers the coercive statute of 1893, and its repeal in 1894-95. He says:

"Under the provisions of this section of the act of 1895 Indian agents and school superintendents are clearly prohibited from using compulsory means, such as withholding of rations, payment



of annuities, or the like, in order to coerce the parents or next of kin of any Indian child into permitting the removal of the child beyond the reservation; and this congressional enactment necessarily abrogates and nullifies all rules and regulations of the Department of the Interior, or any of its bureaus, which conflict therewith. As the Indian training school in Tama County is beyond the limits of the reservation, the statute just cited is applicable thereto; and under its provisions the agent in charge thereof is forbidden from coercing the parents of the children, by withholding rations, annuities, or the like, into giving consent to the removal of their children beyond the limits of the reservation, in order that they may be placed in the training school. Not only does it appear that Congress has not conferred upon the Indian agents and school superintendents the power to take the Indian children by force and remove them to schools situated beyond the reservation, without the consent of the parents or next of kin, but, on the contrary, the consent of the parents is made a condition to such removal, as well as in cases wherein it is proposed to place Indian children in white families. I can see no other conclusion from the statute applicable to the situation than that in this case. The Indian agent and school superintendent must seek to secure the attendance of the children of the reservation at the training school through the influence of the tribe and of the parents of the children; and, to secure such influence, the good will and confidence of the adults of the tribe must be acquired. This will doubtless require time and careful and discreet conduct on the part of the officials. If I am correctly informed, much dislike toward the school as a place for the education of the Indian children now exists among many of the tribe, due partly to the natural belief among the Indians that the school training is intended to alienate the pupils from their tribe, but also partly due to the overzeal in the past management of the affairs of the agency, and to unwelcome interference of third parties, which has resulted in mistrust of the motives of those in charge of the reservation and a consequent antagonism to plans and purposes intended for the actual advancement and betterment of the condition of the Indians. Owing to the inherent nature of the Indians and to the conflict that has existed between them and the whites since the advent of the latter upon this continent, it must be expected that their suspicions of the motives of the whites will be easily aroused and can not be readily allayed. It would seem clear that the success of the training school at Tama City, as now constituted, can not be assured unless it is so conducted as to win the confidence and good will of the tribe as a whole, or at least of a large portion of the more progressive element; and surely this can not be accomplished by the use of force or other means whereby the will of the Indian is overcome, leaving his judgment unconvinced. The school and attendance thereat should not be made a matter to be feared, but, on the contrary, the Indians should be led to understand that this school is an institution of their own reservation, and that attendance thereat and success therein will benefit their children as Indians, and that it is not the purpose to wean the children from the tribe and convert them into mere hangers on of the whites. The creation of this feeling of confidence in the beneficent purposes of the school can not be accomplished in a day, but it is the work to which the efforts of the agent and the superintendent should be directed, rather than to merely enlarging the compulsory attendance of the children of the reservation. As far as possible, all causes of irritation operating on the feelings of the adult Indians should be removed, and every means possible should be resorted to that will win their confidence and enlist their cooperation in carrying on the industrial education of their children."

The Government neither appealed the case nor elsewhere raised the question anew. Later, after the same agent had arrested an Indian who had helped an Indian mother rescue her child from the school, and such Indian, after obtaining his release in Judge Shiras's court, sued the agent for false arrest and recovered damages, the same jurist upheld the verdict, expressing regret that the damages awarded were so small. (*Peter v. Main*, 111 Fed. 244 (1901).)

Mention may also be made of an early State decision which passed on the question whether, under a treaty whereby the Blackfeet Indians pledged themselves to compel their children to attend school, such attendance could be compelled by the Indian agent. The Supreme Court of Montana said of this treaty (*U. S. v. Imoda*, 4 Mont. 38, 1 Pac. 721, 723 (1881)):

"It provides for a schoolhouse and a competent teacher at the agency, and the Indians on their part contract and promise to compel their children, male and female, between the ages of 6 and 16 to attend school, and it is made the duty of the agent to see that this stipulation is carried out. By the terms of the treaty the Indians are to compel their children to attend school. But the United States is given no authority over the children; certainly is not given the right to their custody and possession. The agent of the United States is only charged with the duty of seeing to it that the Indians redeem their pledge and send their children to school. But suppose they do not? Suppose they violate their pledge and fail to perform their contract? Is such failure accompanied by a penalty giving the United States the right to the possession of the children of the tribe? We think not. The United States can not compel these Indian children to attend the school. Such attendance can only be enforced by their parents or the Indians of the tribe."

To summarize: In 1892 Congress authorized the Commissioner of Indian Affairs to enforce school attendance "by proper means" (27 U. S. Stats. L. 143); in 1893 it authorized improper means,

but shamefacedly retraced its steps in 1894; since then it has again justified the use of coercion against one single tribe (Osages); such coercion is probably unconstitutional (see closing sentence of first quotation above from Judge Shiras); while it has since given the Secretary of the Interior power to enforce such rules "as may be necessary" to secure school attendance (41 U. S. Stats. L. 410), it can not be inferred this was intended to authorize "improper means," and, indeed, the inference to the contrary must be indulged in. Therefore, any use of force or coercion, employed to secure school attendance, is wholly unlawful.

Mr. KING. Senators will recall that in the memorandum from which I have just read, prepared by Mr. Goodrich, there is a reference to Mr. Dane Coolidge. Mr. Dane Coolidge, Mr. President, is a graduate of Stamford University; he was formerly field collector for the British Museum and the United States Biological Survey. He is the author of many books, and, with Mrs. Coolidge, has recently published a book on the Navajo Indians, on whose reservation they stayed at frequent intervals for a number of years.

Mr. Coolidge is a member of the American Society of Mammalogists, and is a member of the Authors' League of America. In a letter written by him under date of November 12, last year, to the Senator from North Dakota [Mr. FRAZIER], chairman of the subcommittee of the Senate Committee on Indian Affairs, he states:

DWIGHT WAY END, EAST, BERKELEY, CALIF.,  
November 12, 1930.

HON. LYNN J. FRAZIER,

Chairman Subcommittee of the Senate

Committee on Indian Affairs, Washington, D. C.

MY DEAR SENATOR FRAZIER: At the request of John Collier, of the American Indian Defense Association, I am making you a brief statement of my experience with what I consider the greatest shame of the Indian Service—the rounding up of Indian children to be sent away to Government boarding schools. This business of "kid catching," as it is called, is rarely discussed with outsiders, either by the Indians or by Government employees, but during my numerous visits to the Navajo Reservation I have picked up a knowledge of its workings.

In the fall the Government stockmen, farmers, and other employees go out into the back country with trucks and bring in the children to school. Many apparently come willingly and gladly; but the wild Navajos, far back in the mountains, hide their children at the sound of a truck. So the stockmen, Indian police, and other mounted men are sent ahead to round them up. The children are caught, often roped like cattle, and taken away from their parents, many times never to return. They are transferred from school to school, given white people's names, forbidden to speak their own tongue, and when sent to distant schools are not taken home for three years.

Those children who are fortunate enough to be kept in the reservation schools, are allowed to go home every summer until they have passed the lower grades. Then they are sent far away—to Albuquerque, Phoenix, or Riverside—where they remain until from 16 to 18 years of age. During all this time they are under institutional care, such as with us is considered fit only for orphans, at a minimum of expense; and they return to their homes with a white man's education, but unable to talk to their parents.

It is the claim of the Indian Service that this education is necessary "to fit the Navajos to meet the competition of the outside world," but most of them come back to herd sheep. A few work in the railroad towns as mechanics and laborers, the girls as cooks and servants, but the majority of the schoolboys, who go into the outside world, do so as common laborers. They compete with Mexicans on the section gangs of the railroad or with negroes in the lumber camps at McNary, and the moral pollution which follows these contacts often turns them into despised "school bums."

Back in the hogans of their people the returned schoolboys are quite unfitted for their life. They can not even herd sheep. But generally the parents, or some rich member of their clan, will give them a start on shares and, marrying some returned schoolgirl, they will take up the life of an Indian. In exceptional cases they become truck drivers and traders or go into Government service, but for the girls there is almost no opportunity except in domestic service in town. They must start in all over again to learn to spin and weave and handle their sheep and goats.

It is a question, therefore, whether the benefits of this compulsory education justify the separation of little children from their mothers at the tender age of 6 or 7. If they run away from school on account of homesickness they are transferred to Phoenix or some far-distant place to be kept there three years, unreturned. In 1925, while visiting Henry Chee Dodge, then chief of the Navajo council, I noticed a sad-faced little boy who sat alone, always looking down the road. He had been sent to the Tohatchee School, some 60 miles from his home, but, becoming lonely for his mother, had run away several times. For this he had been ordered transferred to Phoenix and had ran away again. He had come to appeal to the chief of all the Navajos to save him from that long separation, but even the chief was powerless. He was compelled to surrender the boy to the school authorities and see him sent away.



While at Klag-e-toh trading post a Navajo girl ran away from the Burke School, about a hundred miles away, and came home. She was nearly 16 years old, but had been hidden in different sheep camps by her mother and could not speak a word of English. When she was taken to school she wore all her necklaces and jewelry, which were heirlooms, but these were taken from her. Then she was punished and shut up in a closet for repeatedly speaking Navajo. She ran away at last, but the trader did his duty and reported her presence to the school.

At this same post a Government stockman was boasting of his kindness while out collecting school children. In all his experience, he said, he had never had a mother make serious objection when he explained to her through his interpreter how well her child would be treated and how necessary it was that he should go. But the previous week, while driving along the highway near Houck, he had seen a boy herding sheep and had turned out across the flat and caught him. The mother wept and protested and even used violence; so, having no interpreter to explain, the stockman had taken the boy by force.

This stockman had previously been describing the overcrowded conditions at Fort Defiance, where, according to him, the children slept three in a bed, like sardines. But when I suggested that, knowing the crowded conditions and the mother's need for her boy, he might have passed by and said nothing, he replied in substance as follows:

"No, sir! That isn't the way the Government works. My orders are to bring in every child of school age, and that's what I'm going to do. It is up to the people at the fort to take care of them."

At that time, in 1928, on account of the spread of trachoma, certain schools on the reservation had been denominated "trachoma schools" and all infected children were transferred to them, while conversely, all uninfected children were sent away to nontrachoma schools. The superintendent at Fort Defiance was therefore overwhelmed by scores of strange, sick children, with no extra appropriation to care for them—his hospital all built but not a single bed provided, distracted parents rushing in to find their little ones; but his stockman was never too busy to stop and carry on his "kid snatching."

The heartbreak and misery of this compulsory taking of children was never more fully exemplified than on my recent visit to Lees Ferry, Ariz., where old Jodie, or Joe Palute, lives. He is the last of his people in that part of the country and he and his wife had 10 children. But, as they came of school age, they were taken from him, and of the first eight all but one died in school. One daughter survived and was sent to Riverside. But, like all of them, she was given a white person's name, her Indian name was not adequately recorded, and though he had tried to find where she is, the school has lost all track of her.

While working for me Jodie informed me that the truck was soon coming over to take his little boy and girl, the last 2 children of 10. His wife, he said, sat and cried all the time, and he asked me what he should do. I told Jodie, and I tell the world, that a mother has a right to her children. They are hers, and since the others had all died or been lost he should take these and his little band of sheep and hide far back in the mountains.

Poor old Jodie said nothing, and I suppose by this time his children are shut up in school. But every year in that school, as in most others, there are epidemics of influenza and other diseases. Very likely his last two will die. In special cases like that I think the Government should relent and allow them to grow up wild. And in all cases where the parents object or the children are afraid to go, I think the child catchers should be called off.

I have heard too many stories of cowboys running down children and bringing them hog-tied to town to think it is all an accident, due to the unthinking brutality of a superior race. It is a part of the regular system where the Indians are shy and wild—and no matter how crowded the buildings are the children are caught, just the same.

My reason for submitting these facts to your committee is that no Government employee, no matter how kind-hearted, would dare to mention the practice; while the traders and white residents on the reservation are even more compelled to silence. Yet it is a condition easily solved if day schools are installed and transfers to distant schools abolished. If they could see their children every day, as we see ours, the mothers would gladly send them to school. But if they are torn from their arms and transported far away, given strange names, and taught an alien tongue, the mothers will sit like old Jodie's wife and weep and watch the road.

DANE COOLIDGE.

(Notarized before Nancy M. Evans, notary public for Alameda County, whose commission expires August 1, 1934.)

Mr. President, before directing my remarks to the evils of the boarding school, I was calling attention to some suggestions of reforms which I thought should be put immediately into execution. Let me proceed with one or two further suggestions. Before doing so, however, may I state that the extravagance of the present boarding-school system is not only exemplified by the statement I have made, that under this bill \$500 per capita is to be paid for this boarding-school system, whereas in the day school, where the children will be at home and can see their parents, \$100 would be

sufficient, but I call attention to another item showing the extravagance of this system.

The Fort Totten School at North Dakota has 265 pupils. There are 45 school employees and 7 teachers—1 employee for every 6 children. This situation could be duplicated in practically all of the boarding schools upon the Indian reservations. I might add that many or some of the boarding schools are so crowded that the health of the children is impaired. It could not be otherwise.

Boarding schools should be abolished. The day school should be inaugurated. It would result in economies, and it would improve the morale of the Indians and make more certain their rehabilitation and their education.

Another matter to which I desire to call attention is that there should be an immediate cessation of misappropriating Indian tribal funds, which are expended without the consent of the Indians, and too often without any beneficial results. The entire allotment system should be reconsidered. The practice of disposing of allotted lands immediately upon the death of the allottees is harmful to the Indians.

In my opinion, under the policy now pursued by the Indian Bureau, within a few years most of the Indians will be landless; their allotments will be owned by the white settlers; and the Indians, without land, without resources, without means of support will be placed in a precarious situation, and probably will be charges upon the Government. Certainly, because of the failure of the Government to qualify them for industrial or other service they will not be capable of meeting the strenuous conditions of our industrial and economic life.

The so-called reimbursable charges, which have been imposed by the bureau upon allotted land contrary to law, should be charged off. The allotment act provides that the trust patent shall be discharged at the end of the trust period, free from lien or other incumbrance, and every trust patent contains similar language. The Indian Bureau has, however, disregarded the law; and when the Indians attempted to test the legal questions involved the bureau has refused to permit them to bring suits, on the ground that it was contrary to the economic program of the President.

It is believed by some Indians, and by those familiar with their needs, that the Indians should be permitted to combine their allotments into larger bodies of land capable of being operated in harmony with modern business methods. In other words, the Indians should be permitted to incorporate and operate under a modern corporate system, or perhaps under what some might call a limited communal system.

Mr. WALCOTT. Mr. President, may I interrupt the Senator with a question?

Mr. KING. I yield.

Mr. WALCOTT. When the Senator speaks of being incorporated, I take it that he means under the laws of the State.

Mr. KING. Yes; or in perhaps what might be denominated a voluntary association, or a sort of communal form. I do not mean, of course, in the sense of communism in Russia, but that they might be permitted to bring their lands together and operate them through a corporation or in a communal way, associating together as they have done in some reservations.

Mr. WALCOTT. The Senator, of course, is aware that that is quite a vital part of the program that is being seriously considered now by the Committee on Indian Affairs.

Mr. KING. I am glad that this matter is receiving attention, and hope that the committee may report some measure that will change the present system.

Secretary Work, in his report in 1927, pointed out that the credit available through the Indian Bureau availed practically nothing to the agricultural development of the Indians. The situation has not been remedied, and in the pending bill the Indians of the whole United States, exclusive of the 4,000 Pima Indians, are allowed only \$350,000 for agricultural credit for the next year, of which not more than \$65,000 can be loaned to any one tribe. This sum of \$350,000 must take care of the aged and infirm Indians



who have allotted land, and of higher education of all Indian boys and girls. This means a maximum agricultural credit of less than \$1.40 per year per Indian. The effect of this strangulation of credit is to compel the Indians to lease their lands to white lessees.

While upon that point may I say, although I intended to discuss it later, and may do so, that the policy pursued by the Indian Bureau is rapidly diminishing the allotted holdings of the Indians? They have no agricultural credit adequate for their needs and to enable them to develop and cultivate their lands. They are thus unable to reclaim their land; lacking in capital and in agricultural experience and training, they are helpless and become hopeless.

As Senators know, most of the lands allotted to the Indians are found in arid regions or in elevated plateaus or in mountainous districts. The lands are what are called "raw" lands and can only be reclaimed and made productive by strenuous means and by years of toil and struggle. The task of reclaiming these lands can only be performed by persons of resolute courage and high endeavor—persons who can stand the storms and tempests; the hardships and the vicissitudes that have attended the settlement of the West. The settlement of the Dakotas has been portrayed in a work entitled "Giants of the Earth." It required men and women to carry into these western wilds the flag and institutions of this Republic. The "Winning of the West" is an epic and a tragedy. Even now, with the lessons and experiences of the past, the white men and women who seek homes upon reclamation projects not infrequently despair and either abandon the quest or lose their lives in the unequal struggle with nature and savage elements. How can it be expected that the Indians, untrained and unskilled in agricultural pursuits—without some of the sturdy qualities that have characterized the pioneers of the West; without understanding the questions and problems involved in reclaiming arid wastes in producing crops—should succeed?

If the Government had, many years ago, adopted a policy that recognized the weaknesses, as well as the strength of the Indians—their qualities and capabilities—the limitations to which they were subject—and had, in a just and humane way, carried out a wise and sound policy, the Indian problem would have been solved. If the Indians had been instructed in agricultural pursuits, had been furnished competent and suitable teachers and aids, they would have advanced far along the pathway of independence. It was absurd to place the Indians upon arid and semiarid lands or in sections where climatic conditions forbade successful agricultural pursuits and expect them to make a success of farming and to become self-supporting. Obviously it was a cruel injustice to the Indians, after having placed them in this situation, to leave them without instruction and to foist upon them irrigation projects costing tens of millions of dollars which they were expected to meet, though it was manifest that some of these projects were not feasible and that much of the land under them was not susceptible of irrigation and that still other sections, because of the extreme altitude, required no irrigation. The Preston-Engle report shows that many of the irrigation projects were doomed to failure and that substantially all would prove of no advantage to the Indians.

The result has been that most of the irrigation projects have proven an injury to the Indians and have resulted or will result in the loss of their land allotments. Millions of dollars of alleged indebtedness have been piled upon the bowed backs of the Indians and each year their holdings have diminished and the white man has succeeded to the Indians' title. Unless a different policy is immediately entered upon and the Indians are trained in agricultural pursuits and fortified to meet the vicissitudes and trials of reclaiming arid lands, those having allotments under irrigation projects will lose their estates, will be condemned to poverty, and broken and dispirited they will be wanderers in the earth, incapable of breasting the industrial and economic billows which will engulf and destroy them. As

stated by the Preston-Engle report, the Indian allotments will soon pass into the hands of the white man.

Senators are familiar with the struggles and hardships encountered by the pioneers in reclaiming the deserts and the plains and the arid lands of the West. They know of the many failures which have attended reclamation projects and the millions which have been lost. The Reclamation Service has been compelled to admit that tens of millions of dollars have been lost in projects which were not feasible and to recommend that the settlers upon many other projects have their obligations scaled down and a long period of time granted, without interest, to make the required payments. The Reclamation Service has been criticized because of these engineering mistakes and the unwise policies which it has too often pursued. Many of the settlers upon the reclamation projects have had experience in business and in agricultural pursuits. They have in most instances had some capital and credit, and yet failure attended the struggles of many.

I repeat, the conduct of the Indian Bureau in handling irrigation projects and in its treatment of the Indians under these projects has been worse than a blunder; it has been a tragedy, and it will result in depriving the Indians of their property and wasting their lives in vain pursuits. It is a dark chapter that deals with the Indian irrigation projects.

The difficulty and, indeed, impossibility, of ascertaining what appropriations are made in behalf of tribes or groups of Indians, and the uses to which appropriations are made, and the complicated system employed by the Indian Bureau in keeping its accounts, call for drastic changes in the book-keeping and accounting system of the Indian Bureau. A new budgeting system is demanded which will enable Congress and the Indians to know what is being done with the moneys belonging to the Indians. There are many other suggestions which could be made as to immediate changes in the administration of Indian affairs that would rectify some of the evils now existing, but I shall await the report of the Frazier committee, believing that it will contain important recommendations and suggested reforms.

Mr. President, much has been said about the indifference of the Indian Bureau to the health of the Indians. The attention of the bureau has been challenged over and over again to the inadequacy of the measures adopted for the protection of the health of the Indians. The reports which have been made indicate a most distressing condition—lack of food, lack of sanitation, lack of medical care. There are millions for bureaucracy, but inadequate sums to preserve the lives of the Indians. In 1927, according to the Preston-Engle report, there were 24,000 Indians suffering from tuberculosis and more than 30,000 from trachoma.

Mr. President, under the head of "Ill Health Interferes with Farm Work," the Preston-Engle report—page 2775—contains this statement:

The failure of any Indians or some tribes to develop their land and to become self-supporting is attributable to ill health. Many are affected with inherited diseases, particularly with tuberculosis. On the Fort Belknap Reservation it is reported that about two-thirds of the Indians have tuberculosis. The prevalence of tuberculosis is frequently attributable to inadequate and insanitary housing conditions. On some reservations the Indians live in tents, teepees, or temporary shacks; on others, they have houses, but the houses, especially in winter, are closed tightly, and without means of ventilation. Another principal cause of ill health is undernourishment; many Indians do not have sufficient food, or food of proper variety. Among some tribes the drug habit is increasing at an alarming rate. It is stated by some who are apparently informed that more than half the Indians in some tribes are drug addicts.

Mr. President, many reports have been made showing the failure of the Indian Bureau to care for the health of the Indians. These reports have conclusively established that epidemics went unchecked, that conditions existed which inevitably would result in disease and death, and that proper sanitation was neglected; lack of nourishment existed; and yet, in the face of these reports, the bureau failed to meet the situation or to adopt those measures which common prudence required.



Mr. President, the Senator from Montana [Mr. WHEELER] a few days ago, when we were discussing the bill before us, referred to the Indian Bureau and its failure to properly discharge the duties devolving upon it. As Senators know, he is a member of the Frazier committee and has visited the reservations for the purpose of investigating conditions in order that he, with his associates, might carry out the instructions of the Senate found in the resolution under which the committee is acting.

In the course of a brief statement made by him he said:

Unless there is some improvement in the Indian Service with reference to taking care of the health and condition of the Indians, unless the people working in the Indian Service actually go out and do something for the Indians and thus do something to earn their salaries, which they are not doing at the present time, then I would be in favor of doing away with the Indian Bureau entirely, because I think in many instances the Indians would be better off without the Indian Bureau than with it, considering the way it has been conducted in the past in many of these places.

He also referred to the unsatisfactory method adopted by the Indian Bureau in dealing with the farming operations on Indian lands, and stated:

Our observation has been, since we have been on the committee investigating farming operations and how they have been conducted, that they have been carried on by the Indian Bureau in the most slipshod fashion. As a matter of fact, we visited, I believe, pretty nearly all of the reservations in the country. We have not found 10 of the so-called farmers that have actually gone out and visited the Indians or attempted to show them how to conduct their farming operations. We have gone to places where we would have whole tribes of Indians present and have asked the whole tribe if any Indians there had ever been shown by any farmer how to plant his crops and how to farm. Almost invariably at every place not an Indian could say that a farmer had ever been on his place to show him how to do any farming of any kind or character.

In Oklahoma, where we visited very recently, we found the bureau had field agents down there. The field agents as a matter of fact had not visited their Indians at all. Some of the Indians were found living in their little shacks sick and half starved, without food or clothing or anything else; no doctor had ever visited them; no field agent had ever visited them; not a person belonging to the Indian Service had ever visited their homes or witnessed their condition.

The Preston report declares that for a number of years the annual congressional appropriations ranged from \$12,000,000 to \$14,000,000. Two million or more of this sum was reimbursable, and the remainder was to be a gratuity appropriation. As I have heretofore shown, the appropriations have increased from year to year until the stupendous sum of \$28,000,000 is carried in the pending bill. From these vast appropriations no adequate results have been obtained, and it is manifest that under the present system the appropriations will be enlarged from year to year until all of the funds of the Indians have been wasted and absorbed, and that in the meantime, if they have not been made self-supporting, they will be left in a more helpless condition than they were when the Government asserted jurisdiction over them.

Mr. President, under the enforced policy of the bureau, the Indians are being deprived of their lands. The irrigation program carried forward by the bureau has proven a successful weapon in depriving the Indians of their allotments. It was obvious that the irrigation projects would prove costly. The Indians, however, were led to believe that they would be benefited by these projects and that their lands, where they could be irrigated, could obtain an adequate water supply at a comparatively small cost. All these representations have proven false, and the irrigation projects, as I have indicated, have been snares in the path of the Indians. The Indians were led to believe that when they received their allotments and obtained title to the same, their lands would be free from liens and encumbrances. The act of February 8, 1887, provides—

That upon the approval of the allotments provided for in this act by the Secretary of the Interior, he shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect, and declare that the United States does and will hold the land thus allotted for the period of 25 years, in trust for the sole use and benefit of the Indians to whom such allotments shall have been made, or, in case of his decease, of his heirs, according to the laws of the State or Territory where such land is located, and that at the expiration of said period the

United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charges or incumbrance whatsoever: *Provided*, That the President of the United States may in any case in his discretion extend the period \* \* \*

Mr. President, notwithstanding this solemn declaration of the statute that when the United States conveyed the allotments to the Indian, or his heirs, the land should be received in fee and discharged of any trust and should be free from all charges and incumbrances whatsoever, the bureau has adopted a policy which, in its results, has deprived many of the Indians of their lands, and if continued will leave most of them landless and stripped of their possessions. Already we find many of the Indian allotments owned by the whites, and the report being made that the irrigation projects are for the white men instead of the Indians.

Mr. SMOOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to his colleague?

Mr. KING. Certainly.

Mr. SMOOT. How would it be possible for the Government of the United States to say to a nonrestricted Indian that he should not sell his land if he had full title to it? I know that that policy could apply to the restricted Indian, but as to the nonrestricted Indian I do not think any such proposition ever could be put into force.

Mr. KING. If I understand my colleague I do not differ from him. There are about 225,000 restricted Indians and a large number of them have allotments under irrigation projects. I am referring in this branch of the discussion to the irrigation policy of the Indian Bureau. Of course, those Indians who have received their patents and are unrestricted may dispose of their lands, and, as I understand the law, the Government can not interfere.

In Oklahoma there are many unrestricted Indians that have received patents to their lands. They are citizens and many of them participate in the duties and responsibilities of citizenship and are engaged in activities common to the white people in the communities where they are found. But I am now referring, as stated, to those Indians who have allotments particularly in the States of North and South Dakota, Montana, Oregon, Washington, Wyoming, Utah, Colorado, Arizona, and New Mexico. However section 5 which I have quoted, as I understand the situation, applies to all lands patented by the Government to the Indians. Later, under this statute, they obtained their lands free of all charges or encumbrances whatsoever. Notwithstanding this statute, the Indians who have allotments under irrigation projects are not receiving their lands free from liens and encumbrances. Perhaps I should not limit this statement to Indians under irrigation projects. It may be that Indians not under these projects have imposed upon their lands liens and charges in contravention of the statute which I have quoted.

Mr. President, gratuities to the Indians have been made which, of course, were not to be charged against the Indians or made liens upon their lands. However, efforts have been made to saddle these gratuity appropriations upon Indian allotments and to create thereby liens which the Indian Bureau insists must be discharged. Prior to 1914 no attempt was made to charge these lands with these gratuity advancements made in aid of irrigation. However, in 1914, a law was passed, retroactive in terms, under which approximately \$4,000,000 of gratuity appropriations were declared to be liens upon the lands of the Indians. These gratuities, as well as others, made subsequent to 1914, are regarded by the Indian Bureau as liens upon Indian allotments, liens which must be paid. Thousands of acres of lands allotted to the Indians and which, under the law, were to be free from liens when title passed from the Government, have been charged with these liens and the Indians have been compelled to pay them.

Payment has been made in this manner: From year to year the lands have been charged with construction costs as well as charges for operation and maintenance, even though the Indians did not use the water and in many cases where the lands were not under canals



or ditches. Upon the death of an Indian the Indian Bureau disposed of his land. The white man was always the purchaser, but these accumulated costs and charges were treated as a lien. Although the white man may have assumed the payment of the same extended over a period of 40 years, the heirs of the Indian, if he had heirs, received for the land the agreed purchase price less the accumulated costs and charges; and where the Indians obtained patent and sold their lands, these accumulated costs and charges, many of which were illegally charged to the Indian, were treated as valid liens, and the vendee, while assuming them, obtaining, as stated, a 40-year period in which to make payment, secured the land for a price which took into account these accumulated costs and charges.

In other words, the Indians are receiving for their lands where they are disposed of, either by the living Indian or by the Government upon the death of an allottee, not the full value of the lands but the agreed value less the mountain of accumulated costs for construction and maintenance, which sometimes equal the price of the land itself. I am informed that in some instances where the bureau has attempted to sell the lands of deceased Indians the price offered was less than the accumulated costs. My information is that the costs of some of these irrigation projects, including the annual maintenance and operation charges, exceeded the value of the land with the water rights.

The Preston-Engle report demonstrates the great injustice which has been done to the Indians living under many of these Indian Bureau irrigation projects—projects which never should have been undertaken and some of which should be promptly abandoned.

The Indian Bureau has charged the cost of some of these irrigation projects, as well as the cost of maintenance and operation, to the tribal funds of the Indians, although the projects were not approved by the Indians and were of no advantage to them. The collection of reimbursable debts are typically made by transferring the lien, so called, to the purchaser of Indian lands, which, of course, as I have stated, diminishes the price which he pays for the acquired lands. In this manner, it is said, the Indian pays the reimbursable lien, but he pays it not to the Government but to the white purchaser of his land. The Indian actually pays by taking a reduced purchase price for his land. The white purchaser receives the lien, valid or invalid, knowing in advance that it is so great that it can never be paid except in a small part. He knows that the lien will continue to increase and the cost of operation and maintenance charges will not be paid in full and will accumulate as time goes on.

The Secretary of the Interior, in his report to the Senate under date of December 1, 1930, states that although the Government has expended \$36,764,768 in the construction of these irrigation projects and \$10,998,937.69 in operation and maintenance costs, it has received in return but \$1,416,299.99 to apply upon the construction costs and \$3,753,858.25 toward the cost of operation and maintenance. It is obvious that the Government or the Indians, or both, will sustain enormous losses by reason of these irrigation projects.

As I have stated, the Indians who have funds to their credit will have such funds depleted, and many Indians who derive no benefit whatever will be compelled to pay their proportion of the entire sum charged against their tribe, even though they had no land that could be irrigated under the project or that was susceptible of irrigation. Under some of these projects lands which had not and could not be irrigated are charged with a part of the costs of the project. This was done without the Indians' consent and against their protest.

On the Klamath Reservation land high on the mountains, covered with stumps, which never can be irrigated, was charged with the costs of the Klamath irrigation project which the Preston-Engle report recommended should be abandoned.

The question of gratuities and reimbursable payments was discussed by Mr. Snyder, chairman of the Committee on Indian Affairs of the House, on June 6, 1920. He stated:

In that investigation we developed the fact that certain appropriations had been carried for years as reimbursables that should have been carried as gratuities. We also found in the reimbursable items for irrigation purposes that the same state of affairs existed. Money in large amounts for many years, dating back as far as 1884, had been appropriated for reimbursable irrigation projects as gratuities, down to August 1, 1914, when, by some wave of imagination, some Member of this body or somebody outside conceived the idea that the law should be changed by adding the words "theretofore" or "thereafter" in such a way that nearly \$7,000,000 which had been given to the Indians during these previous years should be changed into a liability and made a charge upon the Indians' property.

Your committee went into those matters very carefully and at great length, and it has concluded to bring the bill in here with language in it which will correct those matters and straighten up the books of the bureau, which up to the time of this investigation, in my judgment, have never been in shape so that any correct information could be obtained from them.

I doubt very much whether in this great mass of information we have here in the report there is of particularly great value, as it has seemed to me, at least, as one member of the committee. We had but one man before us out of a great number from the Secretary of the Interior down to the second and third assistants in the various departments, who was able to give us any but a very small amount of information from his actual knowledge.

For instance, the first witness we had on the stand was the commissioner himself. When we got to the point of discussing the reimbursable irrigation items he made a speech, in which he stated that probably 50 per cent of those projects were defensible; that many of them were of a doubtful character, and that some should be eliminated entirely.

Mr. President, I call attention to the statement made in 1920 by the Secretary of the Interior, that only 50 per cent of the irrigation projects could be defended. Indian funds and taxes of the people of the United States were taken out of the Treasury to the extent of millions of dollars and wasted upon the 50 per cent of the irrigation projects that could not be defended and the remainder spent upon the 50 per cent that it was claimed at least could be defended.

Mr. Snyder continues:

Mind you, gentlemen, we have already spent \$20,000,000 in those projects, and the estimates for the completion of the same run into much more than \$20,000,000.

Mr. President, we are now told by the Commissioner of Indian Affairs in his report for the fiscal year ended June 30, 1929, that upon these various projects \$37,104,000 had been expended for construction, and for operation \$10,284,000, amounting to more than \$47,000,000. I shall show later that as the appropriations have increased the number of acres irrigated by the Indians has diminished.

I have before me a letter from Mr. Wilbur, Secretary of the Interior, under date of December 31, 1930, addressed to the President of the Senate, accompanying a report showing costs and other data with respect to Indian irrigation projects as compiled at the end of the fiscal year ending June 30, 1930, to which I have referred. The report—and I have heretofore referred to it—shows that up to June 30, 1930, the total cost of the projects is \$43,384,387.31, stated that \$20,000,000 had been invested, and that it would take \$20,000,000 to complete the projects. There have been expended \$43,000,000, and the reports indicate that \$30,000,000 additional will be required to complete them. If the bureau runs true to form, it will cost very much more than estimated to complete the projects.

This means that more than \$70,000,000 are to be expended for these irrigation projects, supposedly for the benefit of the Indians, but the result will be thousands of Indians will be deprived of their lands and there will be imposed upon the Federal Government a burden of many millions of dollars. It is possible that the white settlers who acquire these Indian lands will derive some benefit from a few of these projects, but if they do it will be at the expense of the Indians and at an enormous cost to the Federal Treasury.

In the same report submitted by the Secretary it is stated that the land irrigated by the Indians under all the reservations amounts to but 101,484 acres, a diminishing amount during the past few years. The irrigated land owned by the Indians and leased to the whites is but 179,520 acres, but the white settlers irrigate 400,000 acres which they acquired from the Indians. It will be seen from this



report that the irrigation system, so far as the Indians are concerned, has proven of but little, if any, value. Indeed, it seems to me, that in the final settlement the Indians will have suffered by this experiment. Their land, except in a few cases, will have been left to the whites.

I return now to Mr. Snyder's address. He refers to the difficulty which his committee experienced in obtaining any facts from the Indian Bureau, and that those from whom he expected information were unable to supply it.

Neither could he [the Secretary of the Interior] give the name of one single contractor, although he admitted that much of the work was being done by contract; and, finally, after having made the statement which I have quoted, that probably 50 per cent of these projects were defensible, that some of them were of a doubtful character, and that some of them should be eliminated entirely, he left the stand with the agreement with the chairman that he did not know anything about any particular one of these projects, in particular or in general.

Mr. Snyder was asked a question by Mr. Green, of Iowa: Are these projects solely for the benefit of the Indians?

The reply was:

I am glad the gentleman asked that. It will take me some time to answer that question, but I will say that 90 per cent of the land which is being cultivated or used under these projects is being cultivated and used by white men.

And yet the Indians, out of their reimbursable funds, have been charged with millions. Although under the law they were entitled to have their patents from the Government free from any lien, the Indian Bureau superimposed liens upon these lands, and the books of the Indian Bureau show charges year by year for construction and for annual expenses which are regarded as charges against the land; so that if the land is disposed of, whether it be sold by the Indian in his lifetime or by the bureau upon his death, the amount agreed upon as the price of the land is not paid to the Indian for the same. All of the accumulated charges for the cost of construction, as well as for operation and maintenance, are deducted from the purchase price so that the Indian, as I have heretofore stated, receives nothing whatever but a fraction of the purchase price. The fact is, Mr. President, that in some instances the costs charged against the land exceed the market value. This means that in some cases the Indian not only loses his land but his interest in the tribal funds will suffer a diminution where advancements have been made from the tribal funds in behalf of the irrigation project.

Returning to Mr. Snyder's statement:

We have traced back the original policy laid out by the bureau. \* \* \* It was to create irrigation schemes for the purpose of making the Indian an agriculturist; but in the last few years it has been found that the Indian will not make an agriculturist.

So we find that in the larger projects where there are 30,000 acres being cultivated 25,000 or 26,000 acres are being cultivated by white men and only 3,000 or 4,000 by the Indians.

If time permits, Mr. President, later I shall show the number of acres irrigated by the Indians upon the various projects. As I stated a few moments ago, the aggregate number of acres under the irrigation projects which the Indians themselves irrigate is only 101,000 acres.

Mr. Snyder proceeds:

I will tell you just what the Indian gets. If, after the white man has taken over this property, he is able to pay, and if the final amount that will be assessed against the acreage when the scheme is finished is less than the amount that the Indian Bureau agreed to sell the property to the white man for, the Indian gets the difference. That is in cases where the title passes. In many of these projects the Indian leases the land that has been allotted to him for so much a month or so much per annum. That, of course, goes into a tribal fund. Eventually some part of it may find its way back to the Indians.

I stated here in the beginning that we have discovered that practically all the appropriations made previous to August 4, 1914, for Indian projects were appropriated as gratuities; but on that date in an appropriation bill which was passed by this House some one wrote into the law the language that all moneys "therefore or thereafter" expended upon these projects should become a charge against the land and collected from the people who own the lands. I maintain that that was illegal, that it was an injustice, that it is not collectible, and that it is impossible to collect moneys which were advanced from 1888 down to this time.

The same thing applies to \$2,500,000 that has been appropriated since that date for the purpose of helping to survey the land. There is a charge on the books of the bureau against unknown Indians of \$2,500,000 that is absolutely uncollectible; that, in the judgment of the committee, would cost \$10 to collect every \$1 that might be collected upon anyone of those lands. So I say, that on August 4, 1914, in order that a liability should be turned into an asset to make a showing, some one wrote into the law that all of the moneys expended for this purpose "theretofore and thereafter" should be a charge against the land.

We have all the record on the subject that can be found. It is impossible to trace the man who made that suggestion.

Mr. Snyder then states:

There have been nearly \$20,000,000 expenses on these projects, not one penny of which has ever been returned; and until this investigation was started nobody on earth had ever suggested that there would ever be a time when any part of it should be returned or any arrangement made to have it returned.

In the seven years that the commissioner has had charge of the bureau the cost of operating it has increased a million dollars per annum. During that period the number of Indians have been reduced from 21,000 or 70,000.

I suppose he means that the number that were restricted has been reduced 21,000 or 70,000.

God knows which, and notwithstanding that, the annual expenses of that bureau has increased \$6,000,000 per annum. When the present commissioner took it over the expenditures of the bureau were about nine million three or four hundred thousand dollars. In the estimate for this bill they ask us to legislate into the bill \$17,400,000. During that period the number of statutory employees on the rolls of the bureau have increased by thousands, until to-day it is over 6,000. Think of it, in that one little bureau! My opinion is, and I state it without fear of contradiction by the commissioner or anybody else, that this present commissioner has cost the Government of the United States in the neighborhood of \$40,000,000. Think of an increase of \$6,000,000 a year and the number of restricted Indians reduced from 21,000 or 71,000!

It has been believed by myself and everybody else that the Indian Bureau was a diminishing bureau, but, gentlemen, it only diminishes in this way: It diminished the number of Indians over which it has restriction, but the expenses of operating for the smaller number is appreciating all the time.

Mr. President, I asked the Indian Bureau, in view of the statement made the other day by me, to which attention was drawn by the Senator from Montana, to furnish me some information bearing upon the question then discussed. I stated, reading from the Preston-Engle report, that attempts to collect for construction costs and in some instances for the operating expenses had been resisted, and the courts had held that the owners of the land were not required to reimburse the Government for the money which had been expended in the construction of the projects. I have a letter here from the commissioner under date of January 9, from which I read as follows:

You were particularly interested in learning the nature of the reimbursement requirements imposed upon these Indian projects; the amount of expenditures on these projects; the collections that had been made; where liens have been created against the project lands and can be enforced; where such liens can probably not be enforced; the probable losses sustained by reason thereof, and the effect of the acts of August 1, 1914 (38 Stat. 583), and February 14, 1920 (41 Stat. 408), and the Attorney General's opinion of September 2, 1921 (33 Opinions of Attorneys General, p. 25), as well as the case of *U. S. v. Heinrich*, reported in 16 Federal Reporter, 2d series, pages 112-113, all of which were briefly discussed with you over the telephone.

Construction of irrigation works on the Indian reservations was undertaken primarily for the benefit of the Indians allotted on the reservations so that they could successfully cultivate and grow crops in the semiarid sections where such crops could not profitably be grown without artificial application of water, owing to the inadequacy of the precipitation.

On some of these projects the construction work was pursued so as to include ceded tribal lands of the Indians. Such lands were appraised and opened to entry, the entryman paying the appraised price for the lands selected, the proceeds derived therefrom going to the Indians. However, to a large extent the white-owned lands on the Indian projects were former Indian allotments that were sold either for the benefit of an indigent Indian or in the settling of the estate of a deceased Indian. Prior to February 14, 1920, no attempt was made to collect construction charges against these lands under Indian projects. By an act of that date (41 Stat. 408) the Secretary of the Interior was authorized and directed to assess and begin the collection of such charges on Indian projects.

Difficulty arose by reason of the fact that white landowners had purchased former Indian allotments under advertisements by the superintendents of the various reservations holding out that a



paid-up water right went with the land and was included in the purchase price. An opinion by the Attorney General of September 2, 1921 (33 Ops. Atty. Gen. 25), held that those persons could not be required to pay construction charges even though the price paid for the land may have been less than the actual per acre cost of providing the irrigation facilities for the land. After the rendition of that opinion regulations were issued requiring the superintendents to execute contracts with the prospective purchasers of former Indian allotments to pay their share of the irrigation costs. Since the issuance of these regulations, where Indian irrigable lands are sold, contracts are executed with the purchasers requiring them to assume accrued irrigation charges and to pay those and future charges until the total cost assessable against a particular tract has been paid. These charges are payable over a period of 40 years.

#### Commissioner Rhoads proceeds:

Another phase of the matter is that some of the Indians received fee patents for their lands containing clauses that such lands were free of all incumbrance, and in many cases these lands have been sold by the Indians under warranty deed. The solicitor for the department has held where no specific lien was created by act of Congress for the repayment of the irrigation charges the obligation was in the nature of a personal one against the individual Indian, and that the land sold by a fee-patent Indian was not subject to the construction charges that accrued prior to the date of the issuance of the fee patent. \* \* \*

It will be noted that the first act creating a lien against any lands under an Indian irrigation project was March 3, 1911. In view of these conditions existing on the projects where liens have been created, the purchasers of Indian lands prior to the creation of such lien, as heretofore pointed out, were not obligated to pay construction charges.

No requirement for the collection of construction charges was imposed by Congress until February 14, 1920. The regulations issued thereunder, as amended, require payment of charges over a period of about 40 years. Under the regulations, with the exception of special projects such as the San Carlos project, on which no construction assessment has been levied, 11 installments have fallen due. With very few exceptions the Indians are financially unable to pay these construction assessments, with the result the assessments have been levied and are piling up without being collected.

The construction collections that have been made have practically all come from the white owners of lands who have acquired such lands within the Indian projects.

And the report I have here of the Secretary of the Interior shows that the entire construction costs which have been collected during all these years upon all these irrigation projects are approximately \$1,416,299. He also states that of the operating costs, which amount to more than \$10,000,000, less than one-third has been paid. So that the Indians out of their tribal funds, or the Government of the United States, have been compelled to meet these construction costs and operating expenses.

The Government has not been reimbursed. The Indians, where they have had funds and the charge has been made against those funds, have suffered by reason of the deductions which have been made from their tribal funds.

#### The further statement is made that—

It is impossible to state at this time the sum that can not be collected by reason of the sales heretofore referred to that were made under conditions whereby the purchaser of the land is not liable by reason of the advertisement and the fact that no legislation had been enacted at that time creating a lien against the land to assure repayment of the proper share of the cost of the work being done.

It will be perceived that the allotment act of Congress, passed in 1887, as well as all subsequent legislation dealing with the question of allotment of lands to the Indians, guaranteed to the Indians receiving them a fee-simple title, and that the lands should be free from all liens and incumbrances. Notwithstanding this guaranty on the part of the Government, the Government proceeded, against the law and over the protest of the Indians, to inaugurate and construct irrigation projects upon their lands, most of which, as I shall show, were failures. The Indian Bureau has insisted that the cost of these irrigation projects should be paid by the Indians finally; that is to say, the expenditures made on account of the irrigation projects would be reimbursed by the Indians, the cost being made a lien upon the allotments.

In 1914 the expenditures by the Government on irrigation projects aggregated approximately \$3,100,000. The bureau had respected the act prior to this date and had not charged or attempted to charge the Indians with the cost of the irrigation projects; but the act of August 1, 1914,

was made retroactive, and sought to charge the Indian lands with the costs of the irrigation projects, and attempted to create a lien upon said lands to the extent of the expenditures made up to that date by the Indian Bureau. Since that time all expenditures have been made reimbursable, and my understanding is that to date they total over \$43,400,000. This is shown by the annual report of the Commissioner of Indian Affairs for 1929. I should add that since this report was rendered the expenditures by the Indian Bureau upon these projects would approximate one and one-half million dollars, so that the aggregate would amount to \$45,000,000.

The Indians have resisted this position of the Indian Bureau, contending that under the law they were entitled to their land free of all incumbrances. They have sought to test the validity of the view of the Indian Bureau, and from time to time have offered bills in Congress giving them authority to bring the necessary suit. However, the Indian Bureau has opposed these measures, and has been successful in this opposition. It should be said, however, that Judge Payne, when Secretary of the Interior in 1920, approved a measure which would permit the Indians to prosecute a test case in the courts. However, no legislation resulted; and, as stated, the Indian Bureau has blocked all efforts since then to obtain the necessary legislation to test the matter.

I have here a copy of the letter of Judge Payne, addressed to Mr. Snyder on April 30, 1920, in which reference was made to a resolution then pending; and Judge Payne in this letter, after making some suggestions as to the proposed resolution which would permit suit, indicates his willingness that the question should be tested. I shall not take the time of the Senate to read the letter.

It has been argued that, regardless of all the blunders and wrongs, the irrigation systems have enhanced the value of the lands; and they state that so long as the original allottee lives he obtains some benefit from these enhanced values, even though a confiscatory lien will be collected from his estate through heirship sales after his death.

The Preston-Engle report suggests the answer. It finds that the total investment in irrigation on the Crow Reservation was \$2,990,219. It then computes the probable returns, with relation to the productivity of the land, and so forth. And it concludes that the probable net loss on the investment, through 1927, was \$2,217,406. In other words, the net loss is about 74 per cent of the total investment (pp. 2381-2382).

This computation by the engineers, however, leaves out of account the rapidly increasing operation and maintenance costs. Typically, these costs rise year by year, with the inevitable obsolescence of the structures.

If the whole investment were charged off as a complete loss, still on most of these northern reservations the economic yield of the land does not make it possible to meet the operation and maintenance charges.

The engineers insist throughout the Preston-Engle report on the increasing effectiveness of dry farming and on the rapid substitution of dry farming in these Indian areas.

It is probable, judging by the Preston-Engle report, that the irrigation systems on these northern reservations represent an actual destruction of values, rather than an enhancement of values; this, on the directly economic side.

As for the mental or human side, this must not be disregarded. The Indians, tied up in the impracticable allotment system and with this cloud of debt hanging over them, and knowing that the debt will be collected out of their estates, are rendered hopeless and are filled with bitterness and despair.

Any person who claims that the irrigation systems on the northern reservations have benefited the Indians speaks without knowledge or responsibility, whether with respect to the economic facts or the more important psychological facts.

In order to collect the reimbursable debts, the Indian Office employs every means at its command to induce the Indians to lease their lands. The Indian, under all the handicaps of the allotment system and practically denied access to credit, yields to the pressure of the Indian Bureau



and does lease his land. The demoralizing consequences are self-evident.

The Preston-Engle report recites cases where rental is 50 cents per acre per year on irrigated land and the operation and maintenance charges are \$1 per acre per year, disregarding construction charges.

The extravagance and unproductiveness of the Indian Bureau's reclamation system becomes clear when the bureau's data for the fiscal year 1929 are compared with its data for the fiscal year 1924. The total acreage irrigated, as shown in the hearings—and I have the pages here before me—was 331,627 acres in 1924. In 1929 it was 361,708. The total acreage irrigated by the Indians in 1924 was 118,151. At the close of June of last year, as shown by the report of the Secretary of the Interior, the amount was only 101,000 acres. So that with all these expenditures, amounting to millions of dollars, the Indians are irrigating less land now than they did in 1924. As I have indicated, the net cost of construction of these projects was more than \$43,000,000.

It will be shown from these reports that the Indian irrigation has diminished in five years; that the total irrigation has increased only 10 per cent in the five years; and that increase has been by the acquisition upon the part of the whites of some of the lands of Indian decedents, and perhaps others who had acquired title. The cost to the Government has increased 47 per cent in the five years. With the diminishing acreage irrigated by the Indians, and only a 10 per cent increase of lands irrigated by the whites, it might truthfully be said that these Indian irrigation projects are not for the benefit of the Indians. Apparently they are for the benefit of the whites, although it is questionable how much the benefits will be in the long run.

Although \$13,000,000 has been expended in the five years between 1924 and 1929, the estimated cost to complete the projects has not been reduced, but has been increased \$3,278,000. In other words, with all these appropriations between 1924 and 1929, the cost of completing the projects which was then suggested has been increased by the sum last named, \$3,278,000.

The net cost to the Government and the net reimbursable debt on Indians and settlers for each irrigated acre has increased from \$87 in 1924 to \$118 in 1929, or to \$123 in 1929 if the Pueblo acreage, not built at Government expense, is to be taken into account.

As early as 1919 Members of Congress insisted that the bureau's reclamation system was overexpanded. Congressman Rhodes, of the House Indian Affairs Committee, is quoted as follows:

The most important lesson that I have drawn from the inquiry that you have taken part in is this: I have concluded that on many of these reservations the reclamation projects have been carried forward to the point, whether complete or incomplete, where they are actually in advance of the needs of the people residing upon the lands within the irrigated district. I have also drawn the conclusion that it is practical from a governmental standpoint to discontinue some of these units without material injury to the projects.

Notwithstanding that statement, and notwithstanding the Engel report, the Indian Bureau has demanded each year appropriations for continuing the development of projects which have been already overexpended, and some of which, because of their hopeless situation, should have been abandoned.

Mr. President, I desire to insert in the RECORD a portion of the act of May 29, 1908, "An act to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes." The act provides that—

The land irrigable under the systems herein provided, which has been allotted to Indians in severalty, shall be deemed to have a right to so much water as may be required to irrigate such lands without cost to the Indians for construction of such irrigation systems. The purchaser of any Indian allotment, purchased prior to the expiration of the trust period thereon, shall be exempt from any and all charge for construction of the irrigation system incurred up to the time of such purchase. All lands allotted to Indians

shall bear their pro rata share of the cost of the operation and maintenance of the system under which they lie.

That supports the view that the Indians were to obtain a perfect title to their lands and that they should be free from any lien or any incumbrance. Before the bill leaves the Senate I shall place in the RECORD a number of statements taken from the Preston-Engle report dealing with the irrigation activities of the Indian Bureau.

Mr. President, I have a number of amendments which I shall offer at the appropriate time, and may submit a few observations concerning the same.

During the delivery of Mr. KING's speech—

Mr. WATSON. Mr. President, will the Senator yield to me long enough to make an announcement?

Mr. KING. I yield; yes.

Mr. WATSON. I desire to serve notice that on to-morrow evening I shall ask the Senate to remain in session continuously, without recess for dinner, and, if possible, to remain in session until the passage of the pending bill.

After the conclusion of Mr. KING's speech,

Mr. SMOOT obtained the floor.

Mr. McNARY. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Oregon?

Mr. SMOOT. I yield.

Mr. McNARY. Mr. President, may I ask the junior Senator from Utah whether he has completed his remarks on the pending amendment?

Mr. KING. I have. I have a number of amendments which I desire to submit at the appropriate time, upon which I may make some observations.

Mr. McNARY. Have the amendments been offered, and are they printed?

Mr. KING. No.

Mr. McNARY. They will be offered from the floor by the Senator?

Mr. KING. Yes.

Mr. McNARY. So far as I know, the senior Senator from North Dakota [Mr. FRAZIER] is the only Senator who is yet to speak upon the pending amendment. Is that the knowledge of the Senator from Utah?

Mr. KING. I did not know that the Senator from North Dakota was to speak on it, although I was advised that he might speak.

Mr. McNARY. Earlier in the day, following a promise made yesterday, I stated that I would move an adjournment this evening. I desire to state now that in view of the situation in the Senate, and the lack of progress we are making, I shall ask the Senate to remain in session to-morrow night as long as a quorum can be developed or until the pending bill is passed.

Now, with the permission of the Senator from Utah [Mr. SMOOT], I move that the Senate adjourn.

The motion was agreed to; and the Senate (at 4 o'clock and 50 minutes p. m.) adjourned until to-morrow, Wednesday, January 21, 1931, at 12 o'clock meridian.

#### NOMINATION

*Executive nomination received by the Senate January 20 (legislative day of January 5), 1931*

##### ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

Charles E. Mitchell, of West Virginia, now minister resident and consul general to Liberia, to be envoy extraordinary and minister plenipotentiary of the United States of America to Liberia.

#### CONFIRMATION

*Executive nomination confirmed by the Senate January 20 (legislative day of January 5), 1931*

##### ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

Charles E. Mitchell to be envoy extraordinary and minister plenipotentiary to Liberia.



## HOUSE OF REPRESENTATIVES

TUESDAY, JANUARY 20, 1931

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou who taketh up the isles of the sea and weigheth the mountains in scales and the hills in the balance—it is the instinct within that reaches toward Thee, Thou didst put it there. O Divine Galilean, who lived the only earthly life of supreme good that we have ever known, teach us Thy secret that we may achieve the ends of our being without haste, tumult, or worry. Bless us to-day with a radiant joy and with a tranquil happiness that betray victory over the problems relating to the needs of our beloved country. These days, these hours, they measure our wisdom, our sense of duty, and our sympathy for our fellow men; they even measure our very lives. The Lord hear us for His name's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

## ADJUSTED-SERVICE CERTIFICATES

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on a bill introduced by me.

The SPEAKER. Is there objection to the request of the gentleman?

There was no objection.

Mr. EDWARDS. Mr. Speaker, on the 9th of December, 1930, I introduced a bill H. R. 14808, which is as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, under such rules and regulations as he may prescribe, to any veteran making application therefor, upon receipt of his adjusted-service certificate properly indorsed, an amount equal to the face value of the certificate, deducting and paying all loans, if any, on the said certificate, notwithstanding any provision of the World War adjusted compensation act, as amended.

SEC. 2. Nothing in this act shall be construed to prevent the Director of the United States Veterans' Bureau from making payments upon any adjusted-service certificate in accordance with the provisions of the World War adjusted compensation act, as amended, except where payments have been made by the Secretary of the Treasury in accordance with the provisions of section 1 of this act.

SEC. 3. Terms defined in the World War adjusted compensation act, as amended, shall, when used in this act, have the meaning assigned to such terms in that act.

That bill, with others on the subject, is still pending before the Committee on Ways and Means of the House. In view of the general depression it occurs to me that nothing would give more genuine relief than the passage of my bill or of similar legislation.

In Georgia there are 56,327 ex-service men who hold these adjusted-service certificates, and if my bill were to pass it would mean that \$53,753,575 would be paid by the Government to these Georgians, if they all asked for it. The total number of ex-service men holding these adjusted-service certificates is 3,393,914, and the total amount that would be distributed by the Government in the payment of these certificates, if all were paid, is \$3,424,575,640. At first blush one would say this is too much money to be paid out at one time. I grant you this is a considerable sum of money, but if we are to deal with this unusual condition that confronts the country we must deal with it in big figures if we hope to give any relief whatever. To do otherwise is merely to play with it.

My bill makes it optional with the holders of the certificates as to whether they want to accept the cash at this time or hold the certificates until 1945. There are thousands upon thousands of ex-service men who are out of employment, out of funds, and in need of relief. They have these certificates and there is no reason why the Government can not and should not come to their immediate rescue. The plan proposed in my bill does not entail any extra outlay of money on the part of the Government, but it merely calls for the payment of outstanding notes or

obligations of the Government that are not actually due until 1945. Bear in mind, these certificates are earning interest; and if the Government will retire these certificates at this time it will save enormous interest charges that would accrue between this and 1945. My bill is quite clear, and its purpose is easily understood on a casual reading. To show how the ex-service men are scattered, I am giving a table that shows the number of ex-service men and the amounts to be paid, which is as follows:

*Adjusted-service certificates in force December 1, 1930, showing State of residence*

Residence	Number	Amount
Alabama.....	48,862	\$45,536,468
Alaska.....	1,357	1,369,518
Arizona.....	10,519	11,288,522
Arkansas.....	42,076	38,688,879
California.....	191,038	207,481,950
Colorado.....	32,914	32,868,428
Connecticut.....	42,415	45,878,847
Delaware.....	4,751	6,162,830
District of Columbia.....	27,146	27,732,736
Florida.....	37,325	36,976,981
Georgia.....	56,327	53,753,575
Idaho.....	12,894	12,668,040
Illinois.....	242,954	240,350,378
Indiana.....	92,296	90,730,556
Iowa.....	77,365	71,557,306
Kansas.....	54,970	53,411,195
Kentucky.....	61,417	58,204,508
Louisiana.....	51,577	47,590,744
Maine.....	20,699	20,542,767
Maryland.....	46,148	47,590,744
Massachusetts.....	131,996	141,745,095
Michigan.....	127,246	129,761,814
Minnesota.....	82,455	81,486,311
Mississippi.....	35,290	32,868,428
Missouri.....	106,208	102,713,837
Montana.....	17,306	17,461,352
Nebraska.....	38,683	38,688,879
Nevada.....	2,715	3,081,415
New Hampshire.....	11,876	12,325,661
New Jersey.....	111,298	117,436,154
New Mexico.....	9,840	9,586,625
New York.....	360,699	374,905,504
North Carolina.....	61,417	59,231,646
North Dakota.....	15,609	15,064,696
Ohio.....	175,429	180,433,973
Oklahoma.....	64,471	60,943,543
Oregon.....	33,932	35,265,084
Pennsylvania.....	250,759	265,001,699
Rhode Island.....	20,020	21,227,526
South Carolina.....	34,272	32,868,428
South Dakota.....	22,056	20,200,388
Tennessee.....	56,667	55,465,472
Texas.....	142,855	146,196,028
Utah.....	13,912	3,695,178
Vermont.....	7,805	8,559,487
Virginia.....	60,739	52,997,820
Washington.....	54,292	57,862,128
West Virginia.....	41,737	39,716,017
Wisconsin.....	85,170	80,459,172
Wyoming.....	10,858	10,956,143
State not given.....	339	342,379
Panama.....	339	342,379
Philippine Islands.....	3,393	4,108,554
Porto Rico.....	13,573	6,505,210
Hawaii.....	8,483	7,874,728
Virgin Islands.....	339	342,379
Guam.....	339	342,379
Samoa.....	60	74,641
Canal Zone.....	3,054	4,108,554
France.....	1,357	1,711,897
Belgium.....	339	342,379
Italy.....	5,429	4,793,312
Germany.....	339	342,379
Austria.....	339	342,379
British Isles.....	1,357	1,711,897
Northern Russia and Siberia.....	1,357	1,369,518
Other parts of Europe and Asia.....	3,393	3,081,415
China.....	1,018	1,369,518
Japan.....	102	106,400
South America.....	339	342,379
Canada.....	4,072	4,108,554
Cuba.....	339	684,759
Santo Domingo (Haiti), Dominican Republic.....	339	342,379
Mexico.....	679	684,759
New Zealand.....	25	31,019
Australia.....	67	71,163
India.....	81	85,196
Central America.....	116	142,006
West Indies.....	130	135,105
Newfoundland.....	15	15,546
Azores.....	29	33,350
Africa.....	67	81,789
Oceania.....	5	4,860
Grand total.....	3,393,914	3,424,575,640

This at a glance will show that the holders of these certificates are scattered throughout the length and breadth of the United States, which means it would put this enormous sum of money into immediate circulation and at the same time discharge an indebtedness owing by the Government on these



certificates. There are many well to do and wealthy men who hold these certificates who are not compelled to cash in on them. Men of this class would no doubt wish to hold their certificates until maturity in 1945, which they would have a right to do under my bill, but those unfortunate ex-service men who are really in dire need and out of employment, like millions of our citizens are, would be able, if this bill becomes a law, to call on the Government for immediate payment of their certificates, and, as I have said before, it would not entail an extra outlay on the part of the Government but would simply mean that the Government is anticipating the maturity date of its promissory notes, because after all these certificates are nothing more than promissory notes given by our Government agreeing to pay the holders thereof the face value of the certificates, with interest, in 1945.

The amount to be paid out, therefore, will depend upon the number applying for the cash on their certificates. If they all applied for payment of their certificates, it would take the amount I have stated; but if all the holders do not ask for the cash, then it will take less.

This plan would give general and genuine relief to millions to whom we owe especial obligations for patriotic services rendered.

This plan would directly or indirectly benefit practically every family in the United States. It would enable the ex-service men to get this cash while they are yet alive and while they and their dependents need it worse than ever in their lives. It will benefit not alone the ex-service men and their families, which is sufficient reason for the passage of this legislation, but it will carry relief to the entire population. It is being opposed only by the "special-interest group," largely by those who amassed fortunes at the expense of the taxpayers during the war, the profiteers who can hold a dollar to their eye and blind themselves to the suffering and need of the millions who are in distress. We owe nothing to that selfish and unpatriotic group. Our obligation is to the ex-service men and to the millions of patriotic Americans who need relief.

I was not a Member of Congress when the legislation was passed giving the ex-service men these certificates. If I had been a Member of Congress at that time I certainly would have opposed the issuance of these certificates. I would then have insisted that the ex-service men be paid in cash instead of certificates. They performed their services well. They gave up their positions and other businesses in order that they could serve and save their country in an hour of peril. A large number of them returned to this country with nothing to do. They were not reinstated in their positions.

I personally know cases of ex-service men who were in the Government employment who have not been able to get back in their positions which they relinquished to go into the service. Many of them are wounded and disabled. It will be but a simple act of justice, and, I believe, of sound business policy, for this great Government, the richest on earth, with plenty of resources with which to make these payments, to immediately discharge these certificates of indebtedness and thereby help the men who did valiant service in the World War. As I have said before, the holders of these certificates are scattered far and wide. They live in every nook and corner of these United States; and their payment would cause cash to go into the channels of trade in every hamlet, countryside, village, town, and city of the United States. It is not a gift; it is not a loan; it is not a "dole." It is the payment of an honest obligation; the payment of the Government's promissory notes, anticipating the maturity date, providing the holders of the certificates wish the money now instead of waiting until 1945.

Everything possible should be done by the Government that will help to revive conditions. There is more widespread want, need, hunger, and suffering in the United States to-day, on the farms, in the towns, and in the cities everywhere, than ever before, and on every hand we meet the unemployed. It is not restricted to the cities and towns where there are numerous breadlines but on the farms as

well, and in the villages, there are millions of unemployed. We simply must do something to help solve this alarming condition; and I can conceive of nothing that would be of greater or more widespread immediate benefit than to pass legislation along the line of my bill.

STATE AND JUSTICE DEPARTMENTS, JUDICIARY, DEPARTMENTS OF COMMERCE AND LABOR APPROPRIATION BILL

Mr. SHREVE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16110) making appropriations for the Departments of State and Justice, and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1932, and for other purposes; and pending that motion, I would like to ask the gentleman from Alabama [Mr. OLIVER] if we can agree upon time for finishing general debate?

Mr. OLIVER of Alabama. I think that 40 minutes would care for us on this side. Perhaps we will use less. The gentleman from Pennsylvania has used more time than we have used on this side. I have no desire to insist upon equalization of time, further than that to-day it might be we will require 40 minutes.

Mr. SHREVE. Then, Mr. Speaker, I ask unanimous consent that the time for general debate be limited to 80 minutes, one half to be controlled by the gentleman from Alabama [Mr. OLIVER] and the other half to be controlled by myself.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16110, and, pending that motion, asks unanimous consent that the time for general debate be limited to 80 minutes, one half to be controlled by himself and the other half by the gentleman from Alabama [Mr. OLIVER]. Is there objection?

Mr. CLANCY. Reserving the right to object, I would like to ask what has become of the Wickersham report?

The SPEAKER. The Chair has no knowledge of it.

Mr. CLANCY. Has the Speaker received the Wickersham report?

The SPEAKER. No.

Mr. CLANCY. Further reserving the right to object, I would like to ask if it is the intention to finish this bill to-day?

Mr. SHREVE. I regret, Mr. Speaker, that I am obliged to inform the gentleman from Michigan [Mr. CLANCY] that it is absolutely impossible to finish the bill to-day. I would like to do it.

Mr. CLANCY. Can the gentleman state if the Justice Department bill will be taken up to-day?

Mr. SHREVE. Yes, sir. We hope so.

Mr. LA GUARDIA. If we come to it?

Mr. SHREVE. Yes; if we get to it.

Mr. CLANCY. We are in this position, that we may have a very important debate on prohibition, of which the country would like to be informed, on the demand for 500 more prohibition agents. It happens that the Wickersham report will probably be in the papers to-day, and there will be no discussion of this debate. I believe in the interest of the general welfare, the debate on prohibition should go over until to-morrow.

Mr. SHREVE. The fact that the Wickersham report will be made or will not be made will not in any way interfere with the operation of this committee. The gentleman understands that? [Applause.]

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. SHREVE]?

There was no objection.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Pennsylvania.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House for the further consideration of the bill H. R. 16110, with Mr. RAMSEYER in the chair.

The Clerk read the title of the bill.



Mr. OLIVER of Alabama. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. GARNER].

Mr. GARNER. Mr. Chairman, ladies and gentlemen of the committee, I have asked for time this morning for two purposes. My original purpose was to explain some of the provisions of the bill I introduced seeking a settlement of the insurance certificates held by World War veterans, but on account of certain proceedings in the Committee on Ways and Means in the House of Representatives this morning I will take that up before I go into the merits of the proposed bill.

You heard the gentleman from Georgia [Mr. CRISP] the other day explain what he thought were some wholesome amendments to the present rules of the House of Representatives, and among others he referred to the method by which you could get meetings of the committees of the House. You will recall that was by initiation of three Members and the signing of a petition by a majority.

Something happened in the Ways and Means Committee this morning where even if that rule applied, an opportunity to consider legislation could not be had by any committee of the House of Representatives, if the procedure followed by the Ways and Means Committee this morning were followed by the various committees of the House.

I can no better illustrate it to you than to tell the story. That committee met upon notice, in executive session, for the purpose of considering a Treasury Department bill proposing to extend the authorized bonded indebtedness of the United States from \$20,000,000,000 to \$28,000,000,000. When the committee assembled I asked whether a stenographic report of the hearing would be made, since the Undersecretary of the Treasury, Mr. Mills, and others were present for the purpose of giving information.

My position always has been that whatever a committee has to consider is a public matter, and especially the membership of the House of Representatives ought to have the same information as the members of the Ways and Means Committee. I insisted that we have a stenographic report of the hearing so that whatever information the committee might get the Members of the House and the country might have the benefit of it. No stenographer being present, the clerk was notified to secure a stenographer. Immediately I rose and addressed the chairman of the committee and asked if he would recognize me to make a motion. After some whispered conversation, indicating probably it might be an embarrassing motion, I take it, the chairman said:

For what purpose does the gentleman rise?

I said:

To make a motion, a very proper motion, before this committee.

After further whispered consultation the chairman said:

Under the rules of the House of Representatives I have a right to decline to recognize a member of the committee to make a motion.

And he declined to recognize me to make a motion.

Mr. BACHARACH. Will the gentleman yield?

Mr. GARNER. I yield.

Mr. BACHARACH. If the gentleman was so anxious to have a stenographer there—the gentleman received notice several days ago that this was an executive meeting of the Committee on Ways and Means—why did not the gentleman notify the chairman of the committee that he refused to attend any such meeting and that he wanted an open meeting?

Mr. GARNER. Everyone would presume a stenographer would be present. Now let us have the facts. I want Mr. LONGWORTH to have these facts.

I am particularly anxious that he should have these facts, because if that is a correct ruling by Mr. LONGWORTH as Speaker of the House of Representatives, and if the right to decline recognition for a proper motion applies to committees, then it will be possible for any committee of this House to sit and never give the minority a chance even to make a motion concerning legislation. If the ruling made by Mr. HAWLEY this morning is to stand as the rule of the committees of this House, there is not a Democrat who can

make a motion in any committee meeting while a majority of the Republicans control. Is that correct? Does that appeal to the wishes of you Republicans who are serving on committees now where you control, and properly so, because you control the House?

Do you believe it is a correct ruling to say that the chairman, sitting at the end of the table, can rule that no Democrat shall be recognized to make a proper motion? I challenge you to controvert that statement. I say he refused to recognize me this morning to make a proper motion on the ground that he had a right to refuse recognition for that purpose; that the power of the rules of the House of Representatives went into the committee and gave him the same power that the Speaker has to decline to recognize a Member for the purpose of making a motion. Let it be said for the Record—because I had a roll call on it—that every Democrat voted against that policy of the committee. The Republicans can explain their votes themselves, but not a single vote was cast against that procedure of the committee by a Republican.

What was the motion? The motion was this: That the Committee on Ways and Means proceed to have hearings on the more than 50 bills that have been introduced for the purpose of considering the question of settlement of the insurance certificates of the American war veterans and pending before that committee. [Applause.]

You Republicans are not going to get away from the problem; you can not get away from the issue. After we were through with the other business I followed up my effort to have them consider it. It was 5 minutes past 11 o'clock. I rose and wanted to renew my motion, and what happened? A gentleman of that committee, a Republican, the gentleman from New Jersey [Mr. BACHARACH], who sits at the chairman's left moved to adjourn, and a motion to adjourn is always in order. He would not recognize me to take it up after they were through with the business for which the committee had been called. Every Democrat voted against that motion to adjourn, but it was passed and the committee adjourned. Not only did they decline to give a Member an opportunity to move to consider those bills, but they declined to give us so much as the poor privilege of a petition asking it to be done.

Mr. RANKIN. Will the gentleman yield?

Mr. GARNER. Yes.

Mr. RANKIN. If the chairman of a committee has the right to refuse to recognize a Democrat to make a motion, does he not have the same right to refuse to recognize even a Republican; and does not that carry the gag rule to the very limit as far as legislation is concerned?

Mr. GARNER. Yes. If you take the position that the chairman of a committee can decline to recognize any member of the committee to make a motion, that, of course, applies to Republicans as well as to Democrats.

Mr. RANKIN. It makes him the committee.

Mr. GARNER. Oh, yes. It gives him autocratic power in the committee, even to the point of not permitting you to test out the wishes of the committee.

I never heard of it since I have been a Member of Congress. On the 4th of March next I shall have been a Member of Congress for 28 years, and I never heard of it. I ask you gentlemen who have been here a long time if you ever had that experience in a committee. I want somebody to raise his hand who says he has. Many of you have served here as long as I have. Mr. LONGWORTH, you have. Did you ever know that to happen? No. No one else ever knew it to happen.

Mr. CRISP. Will the gentleman yield?

Mr. GARNER. Certainly.

Mr. CRISP. Did not this also happen in the committee: That the gentleman from Illinois [Mr. RAINY] addressed a parliamentary inquiry to the chairman, stating that there had been a petition filed with the chairman, signed by a majority of the members of the Ways and Means Committee, asking a hearing on a bill introduced by Mr. CAMPBELL, commonly known as the Coxey bill, and did he not decline to answer it, saying it was not a parliamentary inquiry?



Mr. GARNER. And we appealed from that ruling, and, as I recall, every Democrat voted against that ruling. Here is a Member who gets up and addresses a parliamentary inquiry to the chairman, but the chairman declines to answer it and says it is not a parliamentary inquiry. If that was not a parliamentary inquiry I do not know what is. Any question asking whether it is in order ought to be a parliamentary question, if it was in order to call up a bill for consideration in that committee, a bill which had the approval of 13 Members out of 25. As I say, if that is not a parliamentary inquiry, what is? It is a question of order, and the gentleman from Illinois [Mr. RAINEY] asked Chairman HAWLEY if it was in order, and Mr. HAWLEY, having had his whisperers suggest the best remedy, said that was not a parliamentary inquiry.

Mr. CRISP. Will the gentleman yield to me further?

Mr. GARNER. Certainly. I am glad to yield to the gentleman from Georgia.

Mr. CRISP. Following the fight I am making to correct this gag rule, if the rule I have proposed had been a part of the rules of the House, this situation could not exist, because under the rule I propose when a majority of the committee asks a hearing of the committee to consider certain bills and the chairman will not call it, upon the filing of such request with the clerk, signed by a majority of the committee, that automatically calls a meeting of the committee at the hour and date specified therein, and the chairman can not circumvent it.

Mr. GARNER. Mr. Chairman, I am glad the gentleman from Georgia [Mr. CRISP] has called attention to the provisions of that rule.

Now, gentlemen of the committee, let us understand the issue. I make the assertion on the floor of this House, as leader of the Democratic organization, that there are 150 men and women on the Democratic side who want to consider this legislation. [Applause.] Do not you Republicans return to your districts and say that you did not have an opportunity to consider this legislation, because if 75 of you will join with us we will find a way. Regardless of the rules, and regardless of the triumvirate that rules over this House, we will find a way to consider the legislation in the House of Representatives, and consider it intelligently, with a view to expressing our will upon it.

Mr. BACHARACH. Will the gentleman yield?

Mr. GARNER. I will.

Mr. BACHARACH. I have been trying to recollect whether the gentleman voted for the bonus bill when it was up in the House before.

Mr. GARNER. I did not when the same was before the House in the Sixty-seventh Congress. I wanted a cash bonus then and that is what I want now. [Applause.] The gentleman from New Jersey was engaged in making a make-shift at that time, as he undertakes to in most instances with respect to legislation. However, I supported the same in the Sixty-eighth Congress.

Mr. SCHAFER of Wisconsin. How large a cash bonus does the gentleman want—the \$60 that the Democrats gave the soldiers when they came back from the war?

Mr. GARNER. That is not a question that should enter into intelligent debate on this matter.

Now, I want the RECORD to show, and I repeat it because I want the Republican organization and the country to understand that this legislation that I have introduced is not solely in the interest of the soldier. It is more in the interest of the country generally. In my opinion, it is beneficial to every man, woman, and child in this Republic, and that was the prime purpose I had in introducing it.

It not only provides for the taxpayers saving four or five hundred million dollars on these settlements, but it gives the soldier the option to cash his insurance certificates now instead of waiting until 1945. Distributing this \$1,250,000,000 which I estimate it will amount to—\$500,000,000 out of the reserve and approximately \$800,000,000 by certificates or bonds or whatever you may choose to call them—would save the Government of the United States, if all the settle-

ments were made at the present time, not less than \$300,000,000, and I believe it would run nearer \$500,000,000.

You may say, as some have already said, I am giving the soldier an additional bonus. That is not true. The only advantage the soldier would have in this settlement is to get a cash settlement at this time when he needs it.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. OLIVER of Alabama. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. GARNER. The soldier was allowed a certain amount, based upon his service. Instead of paying him the cash, Congress decided to issue these insurance certificates. Now, that is all the Congress did, and I now propose to take that amount which was due him at that time and give him the option to cash it at this time, plus 4 per cent compound interest.

Now, although this is a fair settlement, it is giving the soldier the best of it in this way: The soldier would have had five years of free insurance, basing the worth of the money at 4 per cent, but, on the other hand, the Government of the United States since that time, in laying by this reserve, has been borrowing its money at 1½ per cent to 3½ per cent, and the difference in the interest rate on the money that it continued to borrow and the interest the soldier's certificate was drawing of 4 per cent will make up enough to pay for what I have termed the free insurance which the soldier has had for five years, and you put the soldier in the place to-day where he was five years ago when he asked for a cash settlement and Congress gave him this insurance policy. I said at that time you would be back here settling these cases before 1945. Gentlemen, you are going to settle them. [Applause.]

I want to make another prophecy. You Republicans are going to prevent consideration of this legislation on the ground it is not economically sound. I challenge any of you to debate on that question. The Treasury Department says it is economically sound, although they say they have not got the money just now.

What I have proposed is a fair settlement between the taxpayers and the soldiers. I think you ought to settle on a sensible basis and settle it now while it will benefit the country economically and thereby avoid a more difficult problem in the future when money rates will be higher. They are now lower here than anywhere in the world, and money is cheaper than ever in the history of any people. You can settle these matters now and at the same time improve the economic condition of the country. [Applause.]

Mr. HAWLEY. Mr. Chairman, will it be in order for me to ask unanimous consent to proceed for five minutes?

The CHAIRMAN. The time has been allotted and the gentleman must get his time from the chairman of the subcommittee.

Mr. CRISP. Mr. Chairman, would it be in order for me to ask unanimous consent that the gentleman have 5 or 10 minutes, not to be taken out of the time fixed for general debate?

The CHAIRMAN. The House having limited the time and allotted the control thereof, such a unanimous-consent request would not be in order.

Mr. OLIVER of Alabama. Mr. Chairman, I will yield the gentleman five minutes.

Mr. HAWLEY. Mr. Chairman, I thank the gentleman from Alabama for his courtesy. At this time I shall speak only as to the procedure in the committee this morning.

There are two methods by which the committees of the House meet: One is by having a fixed date, and some committees have that arrangement, and the other method is upon the call of the chairman. That has been the practice so far as my experience goes in the Ways and Means Committee.

It has further been required of the chairman that the purpose for which the meeting is called shall be stated in the call that members may make such inquiries and preparation as they may desire and have notice of the matter to be considered.



Following the unbroken practice in the Committee on Ways and Means, the chairman called a meeting on the bill H. R. 16111, a bill proposed by the Treasury for the extension of authorization in the issuance of Liberty bonds, raising the total amount from \$20,000,000,000 to \$28,000,000,000, in order to enable the Treasury to make such arrangement financially and engage in such operations as it might find profitable to the Government.

The committee met on call and the matter was laid before the committee. Undersecretary Mills was before the committee and was asked to make a statement. He proceeded in a few words. The matter was before the committee. No other matter was in order.

A question was then raised concerning a stenographic report, and it was agreed to have a stenographic report. When the stenographer appeared we proceeded with our consideration of this legislative proposal.

Mr. GARNER, as he has stated, in the interim took occasion to make an inquiry, and following the universal practice of the House when a proposition is to be submitted which may not be in order under the proceedings then being had, the chairman asked for what purposes does the gentleman rise? The gentleman declined to state it, and in ignorance of whether the proposal was germane to the matter then pending, the chairman held the proposal out of order.

The committees of the House are not bound by the ruling of the Chair. They have the right to appeal from the decision of the Chair, and an appeal upheld by a majority becomes the supreme rule both in the House and in the committee in that matter.

That procedure was followed in the committee, and the committee by a majority sustained the position of the Chair. The only way by which business can be done is by a majority, especially in the case of any disputed matter.

It is universal in the practice of the House, and it is universal in the practice of the committee, and if the committee by a majority had determined that the chairman's ruling was not proper they could have set it aside and proceeded as they wished. The inference to be drawn from the statement of the gentleman that committees would be bound hand and foot is not a sound inference, because we have the provision which enables them to vote their will.

Mr. GARNER. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. GARNER. The chairman used his autocratic power—

Mr. HAWLEY. The majority of the committee supported the chairman, and that was the decision of the committee. Proceedings under the rules can not be autocratic. Practically the same thing occurred in connection with Mr. RAINEY's proposal, which was to introduce a new motion to set a hearing for another bill, when another matter then pending was before the committee. It was not germane to that proposal before the committee. It had no standing in parliamentary law, and the chairman so held, and again the committee by its majority supported the ruling of the Chair.

In our procedure this morning the Chair had in mind only the orderly procedure, that measures should be considered when brought up, and that extraneous matter should not be injected into the consideration. The parliamentary law is that when one motion is pending a motion on another subject matter is not in order.

Now, I think that is the recital of just what occurred. This statement that an attempt was made to prevent the committee from taking any action it desired is erroneous, because the committee always by a majority can overturn the ruling of the Chair.

Mr. GARNER. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. GARNER. Will the gentleman give a hearing on the fifty-odd bills now pending?

Mr. HAWLEY. I am not going to make any statement on that now. The statement the gentleman made that there is a petition pending with the names of 13 Members on it

is not correct, because there are only 11 signatures, two having been removed.

Mr. GARNER. I made the statement because it was made in the committee by the gentleman from Illinois [Mr. RAINEY], and the gentleman from Oregon did not controvert it at that time. I had the right to assume that Mr. RAINEY's statement was correct, and if I understand the gentleman correctly, the petition originally had 13 signatures.

Mr. HAWLEY. It did.

Mr. GARNER. And two gentlemen have asked that their names be erased since that time.

Mr. HAWLEY. I did not know that until after the committee adjourned.

Mr. GARNER. Then Mr. RAINEY was within his rights.

Mr. HAWLEY. I am not saying that Mr. RAINEY made a statement that he did not think was correct.

Mr. OLIVER of Alabama. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Mr. Chairman and gentlemen, there is little that I can add to what has already been said. I think you are familiar with the facts as they occurred in the committee, except that I desire to make this correction of the statement of the gentleman from Oregon [Mr. HAWLEY] as to how the motion was put, and that he declined to recognize it, not knowing whether it was proper or pertinent. When Mr. GARNER first rose, he did refuse to state what motion he desired to make, but after some talk he stated what the motion was, so that the chairman of the committee knew. And, gentlemen of the House of Representatives, can any motion be more properly in order before a committee than, when the committee is assembled, a motion that the committee conduct hearings on 50 bills pending before the committee for its consideration?

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. CRISP. Yes.

Mr. HAWLEY. When the subject matter of the bill then pending before the committee was being considered only matters germane to that could be considered. Had the motion been put at any other time, when we had no bill pending before the committee and under consideration, a proper motion would be in order.

Mr. CRISP. I am delighted to have my chairman say that, and following the Yankee trait of asking him a question when he asks one of me, Is the gentleman willing to give us a hearing on these bills? The gentleman does not answer. When this occurred in the committee I challenged that the rules of the House would apply any such doctrine, and the question was asked about the Speaker refusing to recognize Members. There is a fundamental reason for that. The Speaker of this House is clothed with all of the power that any other Member has. He represents a district, and when a man rises and asks unanimous consent and the Speaker declines to recognize him, that declination is tantamount to the Speaker, in his representative capacity, objecting, and he is clearly within his rights; but I know that our present Speaker is fair. He is a partisan and I am a partisan, but when it comes to discharging his duties under the rules of the House, he construes the rules as they are written, impartially. I think they are gag rules, and he does apply the gag, but the rules authorize it. However, he is fair, and our present Speaker would not refuse to entertain a motion that was in order under the rules of the House, and no motion can be more in order in a committee than one to consider giving hearings on bills pending before that committee.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. CRISP. Yes.

Mr. BLANTON. Will not the gentleman make it plain that the 50 bills referred to all pertain to one subject?

Mr. CRISP. I thought that was clearly understood.

Mr. BLANTON. They are not 50 bills on 50 different subjects.

Mr. CRISP. They are 50 bills dealing with the matter of the payment on the soldiers' adjusted-compensation certificates.

Mr. BLANTON. Which made it all the more important.



Mr. RANKIN. According to the statement made by the chairman of the Committee on Ways and Means a moment ago, he has the arbitrary right to refuse to permit any member of the committee to move to consider holding hearings on any legislation except the legislation that he wants taken up. Is not that carrying the gag rule even farther?

Mr. CRISP. I think so. He has that right, and the gentleman from Oregon was correct when he said that a majority of the committee had the power to reverse him. However, I do want to correct my friend in this respect. When the gentleman from Texas [Mr. GARNER], appealed from the decision of the Chair which refused to recognize him, the Chair refused to recognize that appeal.

We appealed from his decision to refuse to recognize the appeal, then after some whispering among the Republicans they gave us a vote on it. That, gentlemen, is the whole history of the transaction.

Mr. SHREVE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAMSEYER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16110) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1932, and for other purposes, and had come to no resolution thereon.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

#### ENFORCEMENT OF THE PROHIBITION LAWS

The SPEAKER laid before the House the following message from the President of the United States, which was read:

*To the Congress:*

The first deficiency appropriation act of March 4, 1929, carried an appropriation for a thorough investigation into the enforcement of the prohibition laws, together with the enforcement of other laws.

In pursuance of this provision I appointed a commission consisting of former Attorney General George W. Wickersham, chairman; former Secretary of War Newton D. Baker; Federal Judges William S. Kenyon, Paul J. McCormick, and William I. Grubb; former Chief Justice Kenneth Mackintosh, of Supreme Court of Washington; Dean Roscoe Pound, of Harvard Law School; President Ada L. Comstock, of Radcliffe College; Henry W. Anderson, of Virginia; Monte M. Lehmann, of New Orleans; and Frank J. Loesch, of Chicago.

The commission thus comprises an able group of distinguished citizens of character and independence of thought, representative of different sections of the country. For 18 months they have exhaustively and painstakingly gathered and examined the facts as to enforcement, the benefits, and the abuses under the prohibition laws, both before and since the passage of the eighteenth amendment. I am transmitting their report immediately. Reports upon the enforcement of other criminal laws will follow.

The commission considers that the conditions of enforcement of the prohibition laws in the country as a whole are unsatisfactory, but it reports that the Federal participation in enforcement has shown continued improvement since, and as a consequence of the act of Congress of 1927 placing prohibition officers under civil service, and the act of 1930 transferring prohibition enforcement from the Treasury to the Department of Justice, and it outlines further possible improvement. It calls attention to the urgency of obedience to law by our citizens and to the imperative necessity for greater assumption and performance by State and local governments of their share of responsibilities under the "concurrent enforcement" provision of the Constitution if enforcement is to be successful. It recommends that further and more effective efforts be made to enforce the laws. It makes recommendations as to Federal administrative

methods and certain secondary legislation for further increase of personnel, new classification of offenses, relief of the courts, and amendments to the national prohibition act, clarifying the law and eliminating irritations which arise under it. Some of these recommendations have been enacted by the Congress or are already in course of legislation. I commend these suggestions to the attention of the Congress at an appropriate time.

The commission, by a large majority, does not favor the repeal of the eighteenth amendment as a method of cure for the inherent abuses of the liquor traffic. I am in accord with this view. I am in unity with the spirit of the report in seeking constructive steps to advance the national ideal of eradication of the social and economic and political evils of this traffic, to preserve the gains which have been made, and to eliminate the abuses which exist, at the same time facing with an open mind the difficulties which have arisen under this experiment. I do, however, see serious objections to, and therefore must not be understood as recommending, the commission's proposed revision of the eighteenth amendment, which is suggested by them for possible consideration at some future time if the continued effort at enforcement should not prove successful. My own duty and that of all executive officials is clear—to enforce the law with all the means at our disposal without equivocation or reservation.

The report is the result of a thorough and comprehensive study of the situation by a representative and authoritative group. It clearly recognizes the gains which have been made and is resolute that those gains shall be preserved. There are necessarily differences in views among its members. It is a temperate and judicial presentation. It should stimulate the clarification of public mind and the advancement of public thought.

HERBERT HOOVER.

THE WHITE HOUSE, January 20, 1931.

The SPEAKER. The message and the accompanying papers are referred to the Committee on the Judiciary and ordered printed.

Mr. SABATH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SABATH. I think there are other recommendations made by the commission to which the President in his message does not call attention. Would it be in order to ask that the report be printed so that each and every Member might have these recommendations?

The SPEAKER. The Chair has just ordered the report printed.

Mr. CLANCY. Mr. Speaker, will the Members of Congress have to get this material from the account that they get in the newspapers concerning the report of the commission rather than from the House. I desire that the report be read to-day.

The SPEAKER. The Chair has just ordered the report and the accompanying papers printed, and they will be printed.

Mr. SABATH. There is also with the report a short synopsis, a recommendation by the commission, and I think it would be beneficial to all of the Members if that should also be ordered printed.

Mr. TILSON. As I understand it, Mr. Speaker, the entire report has been ordered printed.

The SPEAKER. Of course it has.

APPROPRIATION BILL FOR DEPARTMENTS OF STATE AND JUSTICE, ETC.

Mr. SHREVE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16110) making appropriations for the Departments of State and Justice, and so forth.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16110, with Mr. RAMSEYER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further



consideration of the bill H. R. 16110, which the Clerk will report.

The Clerk read the title of the bill.

Mr. SHREVE. Mr. Chairman, I yield 15 minutes to the gentleman from California [Mr. WELCH].

Mr. WELCH of California. Mr. Chairman and members of the committee, there is pending in this Congress a measure which is of vital importance to the millions of Americans and their dependents who are suffering because of unemployment. The Reed-Johnson immigration restriction bill offers the most logical and direct step toward securing substantial relief without placing an additional burden on the Public Treasury. This bill specifies a 90 per cent reduction of immigration from all countries. At the same time this bill provides for the uniting of families that are temporarily separated because of quota restrictions.

Our present unemployment situation amply justifies such immigration reduction. It is essentially what Australia has done only within the last three weeks to meet a condition which is similar, but not nearly so serious as our own.

Canada, for the same reason, has had a similar policy in effect for nearly a year. I might mention also that France, which until very recently needed and encouraged foreign immigrant labor, is now confronted with an unemployment problem. That country has had to put up the bars also.

Moreover, both Canada and Australia have long ago effected the complete exclusion of all nonassimilable immigrants even from those Asiatic sources within their own British Empire.

Why, you may ask, do I cite the policies of Australia and Canada? It is because the wages and the living standards of those workingmen are nearly equal to those prevailing in the United States; because they are countries which were settled and built up by immigrants who came largely from the same European sources which helped to populate our own Nation, and because their laws and institutions are similar to ours. Both these countries have far less population to the square mile than we have. Their natural resources have not been developed to the same degree as have ours. These countries would for those reasons be expected to encourage immigration at all times. But their governments, always responsive to the needs of their working population, took immediate action in the present worldwide unemployment crisis. They also acted promptly to protect their workers from the disheartening competition of cheap Asiatic labor. For many years the selfish employers of those countries have not been allowed to avail themselves of such low-paid labor and to let their fellow countrymen suffer for want of work.

That part of our Nation bordering on the Pacific Ocean has always had to face the same immigration problems as have Australia and Canada. In our early days we experienced a distressing influx of Chinese. Later we suffered from an equally serious invasion from Japan. As official records will disclose, it took more than 10 years of petitioning and congressional wrangling for us to obtain relief from those invasions.

Now, we are confronted with an unceasing influx of Filipino laborers who have displaced thousands of American working men and women. At the last session of Congress I described the circumstances and cited facts and figures. Conditions have since become aggravated. Filipinos have been arriving in continental United States in numbers as high as 1,000 per month. California receives more than 80 per cent of this influx, and now has a Filipino population of more than 50,000.

Now, the contention has been raised that, because the Philippine Islands are under American sovereignty, Filipinos should be absolutely exempted from the provisions of the Reed-Johnson bill and other immigration measures intended to relieve our present unemployment condition. These objectors have advanced legalistic arguments and ethical theories. For us on the Pacific coast it is not a theory; it is a stern and painful reality. What do those theories mean to the man, who tramps the streets, hungry,

tired, vainly seeking work, after having been thrown out of his job by a newly arrived Filipino immigrant? It is said that it is not fair to the Filipino to deny him admission. Well, then, is it fair to the American workman for us to permit a condition like that, which deprives him of his means of livelihood? Is it fair to the city and county governments on the Pacific coast who already have the heavy responsibility and expense of caring for large numbers of unemployed?

Here in Congress there has been opposition expressed to Federal appropriations to aid States or cities in providing food and other necessities for the unemployed. That, they say, should be a function exclusively for local governments. But how, my friends, can a local government shut off a flow of immigrants, such as Filipinos and Mexicans, who are constantly adding to its army of unemployed? San Francisco, for example, has already exhausted its treasury funds and has authorized a bond issue of two and one-half million dollars to meet an unemployment situation which is being constantly aggravated by Filipino and Mexican immigration. Our cities and counties can keep on appropriating, but they are powerless to regulate immigration. Our State governments can not do it. That is a duty of Congress.

At the last session I urged that action be taken on my bill, H. R. 8708, providing for the exclusion of Filipinos. During the hearings on that measure, and during the very recent hearings on the Reed-Johnson bill, the War Department expressed opposition to any curtailment of Filipino immigration. The War Department participated in those hearings because it still has jurisdiction over the Philippine Islands. There can be no reflection on the War Department for performing a duty imposed on the department by Congress. The fact still remains, however, that we have reached a period in the social and economic affairs of our country when Congress must be guided by consideration of the tolling masses of this country rather than by suggestions from the War Department.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. WELCH of California. I yield.

Mr. JOHNSON of Washington. The Committee on Immigration and Naturalization in the House, after concluding studies of bills, this morning authorized a meeting on Thursday, at which time a bill reducing all quotas 90 per cent will be reported, and also a bill by which the Philippines, in lieu of a quota, will be given a quota of 500 and subjected to the immigration laws. Will that meet the situation in California and the coast cities?

Mr. WELCH of California. It will help.

Mr. JOHNSON of Washington. Then we can count on the gentleman from California to appear before the Rules Committee to secure a rule?

Mr. WELCH of California. I would first like to see the bill in its amended form. For the sake of our social and economic welfare we should release the Philippines and give them complete independence. President McKinley favored Philippine independence. Both our great national parties have declared in favor of it. Congress should now authorize it. [Applause.]

There is one fact that seems to indicate clearly that self-government for the Philippines was sincerely intended. When the islands were acquired by the United States, Congress did not make the inhabitants citizens of the United States. That was undoubtedly because Congress did not intend that the Filipinos were to merge with our population and remain under the same government permanently. To those who object to Filipino exclusion on ethical grounds I can say that there is far more justification for denying the Filipinos the privilege of free entry to the States than there was for withholding from them the privilege of United States citizenship. I believe that, if Congress could have foreseen at that time the present serious difficulties that have arisen from their unrestricted migration to America, it would have withheld that privilege of complete freedom of entry to the United States.



Mr. LETTS. Will the gentleman yield?

Mr. WELCH of California. I yield.

Mr. LETTS. About how many Filipinos and Mexicans are annually coming into the gentleman's State?

Mr. WELCH of California. The Filipinos are coming into this country in numbers as high as a thousand a month.

Mr. LETTS. And how many from Mexico?

Mr. WELCH of California. As high as 200,000 a year.

Mr. LETTS. What percentage of those are coming into the gentleman's State?

Mr. WELCH of California. About 50 per cent of all our Mexican immigrants and about 80 per cent of all Filipino immigrants come into the State of California.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. WELCH of California. I yield.

Mr. JOHNSON of Washington. It is only fair to state that for the whole of last fiscal year the Filipino immigration of every kind was not to exceed 5,220 and that the Mexican immigration has been greatly reduced by applying the "likely to become a public charge" provision to them, so that that immigration has been cut down.

Mr. WELCH of California. I will touch on Mexican immigration later. I will say at this time, however, that while the number of legally admitted Mexican immigrants has been reduced, the number of Mexicans entering the United States illegally over our southern border has greatly increased.

What are the rights involved in the present situation? The same selfish interests that oppose Filipino exclusion also oppose Philippine independence. Those interests profess love for the Filipino, when all they care about him is to exploit him. Those interests demand that Asiatic laborers shall travel one-third of the distance around the earth to commingle with and oppress our white workingmen on the Pacific coast.

During my remarks on Filipino immigration at the last session of Congress I was asked whether I would consider Philippine independence as a solution of our difficulty. I replied that I would. And I repeat again that I will gladly vote for Philippine independence. The Filipinos have demonstrated their ability to govern themselves, and that right should be given them without delay.

If independence is agreed to, however, the Filipinos themselves would want sufficient time to adjust their foreign trade to our tariffs before taking the reins of their own government. Their trade interests deserve that consideration and it should be given them. But human interests should come before trade interests. The present migration of Filipino laborers in unlimited numbers to the States is a human problem and it should be settled first.

The Reed-Johnson bill has the same purpose as the employment information bulletins that have been issued by large employers. When there is a great surplus of labor in any area, workmen are warned to stay away from that area. For example, there was recently an unwarranted migration of American workmen to Las Vegas, Nev. The Department of the Interior immediately did the proper thing. Through the newspapers it informed the public that the number of workmen already in Las Vegas far exceeded the requirements for the Boulder Dam project.

Who are the opponents of this sorely needed measure to relieve our distress? They consist of three different groups.

First, there are those sincere persons of delicate sympathies who believe Filipino exclusion unethical. This same group has generally opposed all immigration restriction. Such persons opposed even the first Chinese exclusion act. Congress has refused repeatedly to be guided by their policy.

Second, there is the Filipino himself. It is only to be expected that he will oppose such a measure. His opposition is a means to an end. He uses it to force the concession of Philippine independence.

Third, selfish American employers who have always shown a preference for the lowest priced labor obtainable. Actuated by greed, they would reduce their own fellow countryman to the level of the Oriental coolie. In San Francisco,

for example, there is a plant controlled by a big national corporation which employs Filipinos at \$2.16 per day. American men and women, who were formerly employed at the plant, refused to accept such wages. Thereupon they were discharged and Filipinos were employed in their places at those miserable wages. What is to become of the American family under such conditions?

The thousands of Filipinos employed in San Francisco and in other American cities are unmarried males who, in groups of from 10 to 40, occupy large old abandoned houses in what formerly were first-class residential sections. By dint of collective housekeeping and crowded sleeping quarters, they are able to live on wages which would hardly buy food alone for the average American family. Is it not natural that these young men, living together in such colonies, should desire some form of entertainment such as music and dancing? You can readily understand how the fulfillment of such desires on their part has created for us a very serious social problem.

What will be the result if we effect a drastic curtailment of immigration from Europe and from countries in the Western Hemisphere and, because of false, ethical theories, we continue to allow this steady influx of low-paid Filipino laborers? Can those who would exempt the Filipino under the provisions of the Reed-Johnson bill assume the responsibility of controlling the bitter wrath of the unemployed white workmen of the Pacific Coast? [Applause.] From hotels and private hospitals in Pacific coast and other large American cities American men and women have been discharged and Filipinos put in their places. Is it proper, then, to call a bill which contains a Filipino exclusion provision an offensive measure? It is purely and simply defensive. It is protective of both races. Is it right to permit more and deeper racial animosities to develop in this country? Are we going to say to the white European: "You must not come here. We are cutting down your quota by 90 per cent in order to protect our American workmen, but we will continue to admit Filipinos in unlimited numbers?" We already have racial problems which we inherited and which are unavoidable. Should we add to what we have? On many occasions California, Washington, and Oregon have had to strain their police powers to give proper protection to these exploited immigrants. We will continue to protect them with all the resources at our command. We stand for law and order, but we are fearful of what may happen if the present situation is further aggravated by allowing Filipino immigrant laborers to pour into this country without restriction. The situation on the Pacific coast is acute. It is our very serious problem to-day; it will be yours to-morrow.

We are in the midst of one of the most violent and sudden economic changes our country has ever experienced. To adjust ourselves to these changes a new social policy must be adopted. Drastic curtailment of immigration from all sources is one of the first steps necessary before we can put our house in order. But this restriction of legally admitted immigrants is not sufficient. It is estimated that there are being added to our population each year more than 100,000 aliens who have gained illegal entry. We should by all means vote sufficient appropriations for the Department of Labor to cope with this difficulty. Legal immigration of Mexican peon laborers has been greatly reduced by the strict application of existing regulations and laws such as compulsory registration and compliance with health, educational, and character requirements. Yet, because they are hampered by the lack of necessary funds, our immigration authorities have been unable to stop this unlawful invasion.

Every American workingman, willing to work, should have the assurance of a steady job as a means of earning a respectable livelihood in accordance with American standards. [Applause.] Yet we permit foreign immigrants to displace him. Machinery has displaced him. He has been buffeted about in a maze of mergers, mass production, and mechanization. What are we doing to help him maintain his place in this rapidly changing industrial system? Property rights are always deserving of consideration, but human rights must come first. Let us keep the man above the dollar. The



hours of labor must be shortened. The Federal Government should at least follow the example of those large private employers who have established the 5-day week. Properly the Federal Government ought to lead, rather than follow, in such a policy. We should have a Federal old-age pensions law. Our country and China are the only so-called civilized nations in the world that have not established old-age pensions. It is well to remember, my friends, that the adoption of such progressive measures for the protection of human rights is the safest means of making private property rights secure. [Applause.]

A merger of eastern railroads has recently been proposed. Economies are to be effected by lessening trackage and by more efficient methods which will result eventually in a reduction of personnel. There is no disputing the fact that, from the standpoint of profitable operation, this would be a worthy accomplishment. From the human standpoint, however, there is a moral obligation to provide adequately for the workmen displaced by that merger. In 1929 the railroads carried more freight than ever before and they did it with a quarter of a million fewer men than were employed in 1920.

By reason of improved machinery, larger locomotives, and larger freight cars, they were able to lay off 250,000 men. But no provision for other jobs was ever made for those men. Merging of railroads, consolidation of large industrial and commercial interests, increased use of labor-saving machines, and mass production seem to be the order of this progressive day and age, but they must at the same time be paralleled by a corresponding curtailment of the hours of labor. Labor has a just claim to a fair participation in the benefits derived from improved machinery and improved methods of production, particularly where the improvements result in a reduction of labor requirements. Up to the present time the worker has not been accorded the benefits to which he is entitled. During this readjustment should we not, at least, protect his lessening opportunities from the competition of foreign immigrants, particularly from non-assimilable Asiatics, whose wages and low living standards no American workingman can compete against. [Applause.]

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. ACKERMAN. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman and ladies and gentlemen of the committee, I have no desire to enter into any dispute between the chairman of the Ways and Means Committee and the minority leader. However, as a Republican who has introduced in the House a bill to pay adjusted-service certificates in part, I for one believe there should be a hearing on all such bills before the Ways and Means Committee. If it is a fact that 50 Members of the House have introduced bills to pay in full or in part the adjusted-service certificates, then the Committee on Ways and Means should at least grant consideration and provide for a hearing on these various bills.

I did not ask for time to discuss this issue to-day, but I will take a few minutes to outline a bill that I introduced to pay 25 per cent of the face value of the adjusted-service certificates.

That bill was introduced primarily because the veterans have held these adjusted-service certificates for five years, or 25 per cent of the time within which they will mature. In other words, they have actually earned 25 per cent of the face value of the certificate.

I was informed a few days ago that there were 50,000 unemployed veterans of the World War in New York City. I am informed there are more unemployed among the veterans of the World War than almost any other group in the United States, because the World War veterans are practically all between 30 and 40 years of age. They are the bread-winners of families, and they suffer the greatest when unemployed. The veterans are not asking for charity. In this emergency they are certainly entitled to the cash payment of 25 per cent of the face value of the certificate which they have already earned.

The bill I introduced—H. R. 15062—provides that each veteran can secure on his certificate an average of \$250. This sum may not amount to much to Members of Congress, but to the unemployed veterans, to the man who has a family, as most of these veterans have, which families are undernourished, \$250 at this time is a large sum of money, and will relieve a great amount of distress and suffering and virtual starvation, at little or no expense to the Government of the United States and without resorting to charity.

This bill would cost the Government approximately \$600,000,000, just one-half the amount proposed by the Democratic leader. I agree with him that the spending of hundreds of millions of dollars by the veterans in the various States of the Union would be helpful to business. There is at this moment in the Treasury, according to Mr. Mellon, \$187,000,000 available to pay these certificates, so, it would only require \$400,000,000 to pay 25 per cent of the face value of the certificates to two-thirds of the certificate holders which, in my opinion, is a high percentage to place on the number who would apply.

I can not stand here as a veteran and tell you definitely what the veterans want. I rather believe the veterans would like to be paid in full, but as one, I am not sure that it is the best or right thing to pay the service certificates in full, because when the law was enacted it carried the insurance principle, and if you pay them in full you destroy that feature completely. If you pay them 25 per cent you leave 75 per cent carried over for the widow and children in case of death of the certificate holder.

Moreover, in my proposal the needy veteran, the one who is out of work, can get an additional sum of money because he can borrow 22 per cent of the face value of the policy to-day, and under my bill he not only has the right to borrow up to 22 per cent of the face value but he will also get in addition 25 per cent of the total face value of the policy in cash. So, the man who wants to borrow up to the full 22 per cent will really be receiving 47 per cent of the policy. The man who does not want to borrow on the policy will get 25 per cent of the policy, if he applies.

Mr. WAINWRIGHT. May I ask the gentleman if a veteran may borrow 25 per cent of the face value of his certificate over and above the 22 per cent?

Mr. FISH. All veteran certificate holders have the right to borrow if they desire to do so. They have the right to borrow 22 per cent under present regulations. Under the bill I have introduced it is possible to get 25 per cent of the face value of the certificate in addition to the amount borrowed, but it is not made mandatory.

Mr. GARNER. Will the gentleman yield?

Mr. FISH. Yes.

Mr. GARNER. From what the gentleman says I get the impression that he believes the Ways and Means Committee should have hearings on these bills in order to arrive at some conclusion?

Mr. FISH. Possibly the gentleman was not in the Chamber when I began my remarks, but that was my first statement. I agree that there should be immediate hearings on all of the adjusted service certificate bills. I, for one, have confidence in the Ways and Means Committee and in this House. I believe both the Ways and Means Committee and the House are intelligent enough to enact adequate and proper legislation.

Mr. COLE. Will the gentleman yield?

Mr. FISH. I yield.

Mr. COLE. Would it be possible to differentiate—that is, to pay those Legion men or service men who are in actual need in cash and not attempt to pay all, because a great many of these ex-service men are wealthy men. That being so, why should we pay them?

Mr. FISH. That is a very fair question. I have given careful consideration to that proposition, but I am afraid we can not make any distinction; that it will be necessary to give an opportunity to all to take the 25 per cent if they want to do so; otherwise they can leave the policy unimpaired, which many will do.



I have asked for this time to-day to state, as an individual Member of the House, to the Republican leaders of this House that I regret I can not go along with them, and I am serving notice now that unless they bring in some substantial legislation to afford immediate relief to the suffering and starvation in the drought areas and among the unemployed in the cities and in the small cities, I will be compelled, as one Republican, at least, to vote for the Senate amendment which will come to the House in the next few days appropriating \$30,000,000 for the Red Cross.

Mr. STAFFORD. Twenty-five million dollars.

Mr. FISH. Whether it is \$25,000,000 or whether it is \$15,000,000 is immaterial to me. Whether it is \$15,000,000 or \$25,000,000, the question simply is this: Is there need throughout the country? Is there starvation in 21 States of the country? Is there starvation not only in the drought areas but in the city of New York, in the small cities of the State of New York and in other States?

I for one have no patience with the argument advanced that we are violating or about to violate a fundamental principle of the Constitution. It seems to me the very essence of Government, the primary function of Government, is to see that no American citizen starves in this period of depression, when they are unable, through no fault of their own, to get a job. [Applause.] Therefore I am not in sympathy with the criticism aimed at individuals and at Senators to the effect that they are violating a fundamental of the Constitution in voting for food relief. In my opinion that argument amounts to nothing at all in emergencies when American citizens are on the verge of starvation. Why, the Red Cross states it is feeding 525,000 in the drought areas, but what about the other sections of the country with 5,000,000 unemployed through no fault of their own. It does not make much difference to a starving family if the cause is drought or extensive unemployment. My contention is that no American citizen be permitted to starve when there is an overproduction of wheat in the United States and the Government itself owns and hoards 125,000,000 bushels of wheat in bulging granaries.

There are many Members in this room who back in 1921 voted \$20,000,000 of the taxpayers' money to send food relief to Russia. A year or so later this House passed, by a 2 to 1 vote, a bill which I introduced appropriating \$10,000,000 to send food relief to the starving women and children in Germany. I hold in my hand a little slip of paper which sums up something like \$11,000,000,000, and a substantial part of that went to afford food relief for the starving people all over Europe, not merely in Belgium alone, but in Armenia, in Austria, one of the Central Powers, Cuba, Czechoslovakia, Estonia, Finland—I leave out France and Great Britain—Greece, Hungary, another one of the enemy countries, Latvia, Liberia, Lithuania, Nicaragua, Poland, Rumania, Russia, and Serbia. I have not the time to read the exact amounts that went to these countries, a large part of it went after the armistice in the way of loans, some of which have been canceled completely and many others have been reduced to 25 cents on the dollar.

Mr. Chairman, I ask unanimous consent to include this article in the RECORD at this time.

The CHAIRMAN. Is there objection?

There was no objection.

The article referred to follows:

#### AMERICA'S PART

Publicly and privately America loaned the Allies over \$12,175,000,000 and expended about \$26,785,000,000 on war "glory," creating, equipping, transporting, and landing in France an army of over 2,100,000 men, and continuing the drilling of over 5,000,000 more at home; also constructed thousands of ships to replace those sunk by the German submarines.

#### America's debtor nations

Foreign governments' indebtedness to America  
Nov. 15, 1922 (in dollars):

Armenia.....	\$13,637,174.37
Austria.....	26,942,394.00
Belgium.....	437,197,129.59
Cuba.....	7,740,500.00
Czechoslovakia.....	106,292,205.32
Estonia.....	16,088,771.26

Foreign governments' indebtedness to America  
Nov. 15, 1922 (in dollars)—Continued.

Finland.....	\$9,294,362.27
France.....	3,844,132,250.77
Great Britain.....	4,746,862,560.29
Greece.....	15,750,000.00
Hungary.....	1,888,135.89
Italy.....	1,932,715,485.51
Latvia.....	5,775,864.01
Liberia.....	29,518.85
Lithuania.....	5,728,872.23
Nicaragua.....	170,585.35
Poland.....	153,281,676.81
Rumania.....	41,992,599.28
Russia.....	232,313,968.15
Serbia.....	59,098,683.50

Total..... 11,656,932,737.45

This stupendous sum of \$11,700,000,000 was loaned by the American Government to the Allies and others, in addition to the expenditure of over \$27,000,000,000 on the war, besides several thousand millions loaned by private enterprise.

Mr. DENISON. Will the gentleman state which ones have been canceled?

Mr. FISH. Of course, the gentleman knows that Armenia's debt has been canceled and some of these others have been canceled or virtually canceled, and as far as Italy is concerned, her debt has been reduced to 25 cents on the dollar.

I simply want to make my statement clear, so that the leaders may do what they want to about it. Unless they bring in some adequate legislation, either to turn over the 125,000,000 bushels of wheat that the Government of the United States owns through the Farm Board and permit that wheat to be requisitioned by the officers of the Red Cross, who state they will process it, turn it into flour, and distribute it—unless they do that or bring in a direct appropriation to the Red Cross, I see no other course for me to take than that which I have stated. I see no other course for one who believes the first function of government is to relieve suffering and starvation among our own people. I do not see how anyone can hesitate to take this action. I can not understand how any of the older Members can hesitate to take such action when they voted to send \$20,000,000 to Russia and \$10,000,000 to Germany. I can not understand the logic of sitting here and arguing about a principle which we have applied differently to European nations, and then when there is want and starvation in our midst, and when there are 5,000,000 totally unemployed in the United States hesitate to appropriate sufficient money immediately to the Red Cross to relieve distress and starvation in every section of our own country. If the Red Cross does not need this money let them turn it back to the Treasury of the United States. But I for one am going along with those Members from the drought areas, where there is starvation, not only of human beings but of animals.

I am going to vote at every opportunity sufficient money for the Red Cross to provide immediate relief. I am going to vote, if I get the chance, to turn over this 125,000,000 bushels of wheat for the relief of human beings and animals, to be used as foodstuffs in the States where it is needed—in Arizona, Oklahoma, or in the cities of New York.

Now, Mr. Chairman, 10 days ago I introduced two measures, one to appropriate \$15,000,000 direct to the Red Cross and the other to turn over the 125,000,000 bushels of wheat upon requisitions by officers of the Red Cross. I asked for an immediate hearing before the Committee on Agriculture, because there is an emergency, and up to now I have been unable to secure even a hearing, and I do not know what chance there is of having a hearing immediately. Col. Arthur Woods, head of the Federal unemployment committee, states that there are 5,000,000 unemployed. Most of these are in the industrial sections and are even worse off than those on the farms in the drought area. I believe that there is starvation, or virtual starvation, in this country on an extensive and growing scale.

It is up to the Committee on Agriculture to find out the facts and legislate accordingly. Except for what I read in the newspapers I do not know the exact extent of starvation in the United States, but certainly it is the function of the



Committee on Agriculture to give consideration to these bills and to do so immediately.

There is not a man in this House who does not know we are in the midst of a period of serious depression. There is not a man in this House, whether he comes from a city district or an agricultural district, who does not know that thousands of American citizens are on the verge of starvation both in the country and in the cities. If this is the fact, it is the duty of the Congress of the United States not to debate but to consider these matters in committees where they belong and to adopt immediately necessary relief measures.

I do not request that \$1 be appropriated by Congress to afford food relief unless it is necessary, but I for one believe that the Congress has the intelligence, the ability, and the capacity to find out how much is necessary and then vote all the money that is required to relieve distress and hunger and starvation in America. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SHREVE. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER of Wisconsin. Mr. Chairman and members of the committee, I shall briefly discuss an amendment which will be offered to the prohibition appropriation bill by our genial colleague, the Hon. GEORGE H. TINKHAM, of the great Commonwealth of Massachusetts. Said amendment prohibits the expenditure of funds appropriated in this act for the purpose of tapping telephone and telegraph wires. This amendment is one that can not be approached from the point of view as favorable or unfavorable to the prohibition cause. In fact, the most ardent prohibitionists, supporters and advocates of the eighteenth amendment, should blaze the trail in the fight for its adoption.

In view of the record of the governmental departments having charge of enforcing the prohibition laws, and particularly the testimony of Hon. Amos W. Woodcock before the Appropriations Committee, appearing on page 116 of the hearings on the pending bill, in which testimony he unequivocally approved of wire tapping and admits that the department under his jurisdiction is conducting this nefarious activity, it is necessary to adopt the Tinkham amendment.

Recognizing the evils and tyranny of tapping wires, 29 States of the Union have enacted statutes making wire tapping an offense, punishable either as a felony or a misdemeanor, and yet Mr. Woodcock permits his prohibition agents and investigators to carry on extensive wire-tapping activities in violation of the State statutes.

The wire-tapping amendment which Mr. TINKHAM will offer should be whole-heartedly supported by those Members of this Congress who claim to be zealous champions of State rights.

Mr. Chairman, even in Cincinnati, the home town of our beloved Speaker [Mr. LONGWORTH], one of the largest cities in the State of Ohio, from which State originates much propaganda in favor of obedience to law and respect for the Constitution, we find Mr. Woodcock's wire-tapping prohibition agents in action at the present time, notwithstanding the fact that section 13402 of the General Code of Ohio makes it a crime to tap telephone and telegraph wires, with a maximum penalty of three years' imprisonment.

The Cincinnati & Suburban Bell Telephone Co. at Cincinnati, Ohio, has had so much interference with their telephone wires by wire-tapping prohibition agents as to interfere with the service rendered, which necessitated an extensive correspondence by that company with Federal Government officials.

On the 26th day of November, 1930, one of the Government prohibition agents, producing a shield, identification photograph and card, approached one of the employees of the telephone company and offered to pay him \$50 to tap a wire the following day. When the employee appeared at the rendezvous designated by this wire-tapping prohibition agent he found that it was the office of a private detective agency, thoroughly indicating that the wire-tapping prohi-

bition agents under Mr. Woodcock's prohibition administration are not only conducting their revolting activities in violation of the State laws of Ohio on strictly Government matters, but with the connivance of private detective agencies, much of whose business is of a reprehensible blackmailing nature.

Mr. Chairman, under the Woodcock wire-tapping régime the liberty-loving American people are being subjected to a deplorable and unbearable system of espionage unequalled under the tyranny of the British King prior to our Revolution. The fourth amendment to our Constitution resulted from two abuses practiced by the British Government—the use of general warrants and the use of writs of assistance, authorized under the British Parliament act of 1767. The use of these writs soon led to great opposition, particularly in the Commonwealth of Massachusetts, and, the abuses being fresh in the minds of our colonial statesmen, resulted in the fourth amendment to the Constitution. It is very appropriate for a distinguished Representative from the Commonwealth of Massachusetts, the Hon. GEORGE H. TINKHAM, to offer the amendment to prevent a continuation of Mr. Woodcock's nefarious practice, which is equal to the tyranny of the most backward medieval despotisms. I can not force myself to believe that a fine, able, American gentleman such as Mr. Woodcock, after reflection, could put his personal stamp of approval on wire-tapping by prohibition agents under his command when he realizes that under such practice the sanctity of the home is destroyed and the person and his house invaded secretly and without warning, subjecting the very privacies of the lives and households of our people to public scrutiny.

Page 116 of the hearings on this appropriation bill contains the following testimony:

Mr. TINKHAM. It is your policy to permit the tapping of wires?

Mr. WOODCOCK. We do; and the Supreme Court has approved that practice.

Mr. TINKHAM. Do you approve of the practice of tapping wires?

Mr. WOODCOCK. I do. I have no qualms at all about that, sir. I think the telephone and telegraph franchises are given for the transaction of lawful business and the promotion of lawful commerce. I do not think that the unlawful have any right to use them with impunity. At least I do not think I can run this bureau on any other basis than the Supreme Court has described as lawful.

Clearly the cross-examination of Mr. Woodcock must have led to a confusion of his mind, resulting in an inadvertence, or else he is not sufficiently qualified for the position which he now holds as a law-enforcement officer.

The Supreme Court decision in the case of *Olmstead v. United States* (277 U. S.), to which Mr. Woodcock refers, does not directly or indirectly hold that the Supreme Court has described the tapping of telephone and telegraph wires as lawful. This case was considered by the Supreme Court, not on the question of wire tapping being lawful or unlawful, as the order granting certiorari confined the hearing to the question whether the use in evidence of private telephone conversations, intercepted by means of wire tapping, violated the fourth and fifth amendments to the Constitution. The decision of the court on this question was a 5-to-4 decision, and it would be well for Mr. Woodcock to carefully read and absorb the fine American principles incorporated in the able dissenting opinions. Before reaching a decision that the Supreme Court had described wire tapping as lawful, he had better carefully digest the majority opinion of the court delivered by Chief Justice Taft, and particularly that portion which states:

Whether the State of Washington may prosecute and punish Federal officers violating this law and those whose messages were intercepted may sue them civilly is not before us.

I can not imagine how a man holding Mr. Woodcock's responsible position can put his stamp of approval upon law-enforcement agents under his command violating criminal statutes of the several States and justifying his position on the ground that the Supreme Court has described such activities as lawful.

During the hearings before the Appropriations Committee on the Department of Justice appropriation bill on Decem-



ber 2, 1929, the Hon. J. Edgar Hoover, Director Bureau of Investigation, Department of Justice, testified as follows (pp. 63-64):

Mr. TINKHAM. Is any of your appropriation spent for wire tapping?

Mr. HOOVER. No, sir. We have a very definite rule in the bureau that any employee engaging in wire tapping will be dismissed from the service of the bureau.

Mr. TINKHAM. I am very much pleased that that is so.

Mr. HOOVER. While it may not be illegal, I think it is unethical and it is not permitted under the regulations by the Attorney General.

Section 14 of the Manual of Rules and Regulations of the Bureau of Investigation of the Department of Justice, as issued under date of June 17, 1930, reads as follows:

Wire tapping, entrapment, or the use of any illegal or unethical tactics in procuring information will not be tolerated by the bureau.

This provision has appeared in the Manual of Rules and Regulations of the Bureau of Investigation, Department of Justice, since March 1, 1928, and I respectfully submit that if the Bureau of Investigation, Department of Justice, whose duty is to investigate and obtain evidence with reference to the violation of a multitude of laws to prevent crimes of the most serious natures and degrees can properly function without tapping wires that the Bureau of Prohibition enforcing the prohibition laws can do so, unless it is admitted that the prohibition law is unenforceable.

In testifying before the Committee on Expenditures in the Executive Departments during the last session on the bill to transfer the enforcement of prohibition to the Attorney General's Office, Attorney General Mitchell testified as follows (p. 73 of the printed hearings):

Mr. MITCHELL. I make the general comment, Mr. Congressman, that the Department of Justice stands for lawful methods of law enforcement and we always have.

In view of Mr. Mitchell's statement and in view of the regulation of the Bureau of Investigation prohibiting wire tapping, it would appear that the Attorney General on his own initiative should direct Mr. Woodcock to have the personnel under his jurisdiction cease wire tapping, or see that Mr. Woodcock is removed from office.

I desire to submit for your thought and consideration the words of an eminent American citizen, the last paragraph of the dissenting opinion of Justice Brandeis in the wire-tapping case of *Olmstead against United States*, which reads as follows:

Decency, security, and liberty alike demand that Government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means—to declare that the Government may commit crimes in order to secure the conviction of a private criminal—would bring terrible retribution. Against that pernicious doctrine this court should resolutely set its face.

I particularly urge those Members of Congress from the following 29 States to show by your vote that when the people, through their representatives, wrote into the statutes of your State provisions making it a misdemeanor or a felony to tap telephone or telegraph wires that they did not include in such legislation invisible language exempting from the provisions of the prohibitory statutes Federal law-enforcement agents, be they engaged in enforcing the prohibition or any other Federal law: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Idaho, Illinois, Iowa, Kansas, Michigan, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Utah, Virginia, Washington, Wisconsin, and Wyoming.

I urge all Members of this House, be you Republican or Democrat, be you in favor of or opposed to prohibition, be you reactionary or progressive, to enlist in the fight against Commissioner Woodcock's tyrannical wire-tapping policies and support and vote for the amendment which will be

offered by Mr. TINKHAM and preserve those sacred rights, liberties, and institutions, a heritage of our noble forefathers, for the millions yet unborn and prevent their crucifixion on the cross of prohibition. [Applause.]

The Clerk read as follows:

*Be it enacted, etc.,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1932, namely:

Mr. CLANCY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CLANCY: Page 1, line 7, before the word "namely," strike out all the preceding, including the enacting clause.

Mr. CLANCY. Mr. Chairman, ladies and gentlemen of the committee, I submit this amendment for the purpose of making some remarks upon the Wickersham report, which I was not able to make under general debate. The conclusions of the Wickersham report, which were read in the House, are not in full consonance, I am told, with the body of the report. For instance, some of the members of the commission who signed the report that they were not in favor of the repeal of the eighteenth amendment have declared in their individual opinions that they are in favor of the repeal of the eighteenth amendment, and I am told that one of these is Hon. Newton D. Baker, a former Secretary of War.

Under the proceedings which we have to-day in the House we can not get an idea of what is in the report, and the prohibition debate on a great increase for the Justice Department is coming on this afternoon if some of the gentlemen here have their way.

I am told that seven members of the commission are in favor of the suggestion of one member, Mr. Anderson, that the United States follow the Swedish system of control of liquor, the actual sale not to be in the States or in the Federal Government, but in a corporation which is to be formed under a new prohibition law as proposed.

Now, I am going to offer a resolution that 1,000,000 copies of this report be printed. I am told by one of the gentlemen who has control of the matter that the Committee on Printing is now considering how many copies they should have printed. I think the country itself should have an idea of what is in this report from reading it rather than from getting the ideas of the newspapers that carry a digest of it. I believe there is only one newspaper in the United States, and that is the New York Times, that will carry the report in full.

Mr. CLARKE of New York. Will the gentleman yield?

Mr. CLANCY. Yes; but I only have a few minutes.

Mr. CLARKE of New York. I wanted to ask the gentleman how many copies the Members may expect to get.

Mr. CLANCY. I would say that in Detroit I could very easily use 5,000 copies of the report.

Mr. CLARKE of New York. I could myself.

Mr. CLANCY. I have seen a report in a paper received this morning that Col. Fred. M. Alger, who is a very prominent man in the Nation, the son of former Secretary of War, Russell A. Alger, predicts a social revolt in the United States over prohibition; and, certainly, if the conditions in other parts of the United States are the same that they are in the southeastern part of Michigan, we will have bloodshed before we are through with this question.

The newspaper men have had this report since yesterday morning, but the Members of Congress have not seen it. I am told that in the report Judge Kenyon, for instance, makes a bad case for prohibition, and does prove quite conclusively that crime which is rampant in the large cities of the United States is due solely to prohibition, and that the gangs of gunmen are offsprings of the Anti-Saloon League and the organizations which have put over prohibition.

Now, we have 50,000 political prisoners in jail and 50,000 families suffering because they are in jail. I think each one



of these prisoners ought to get a copy of the Wickersham report so that they may know why they are in jail.

Great Britain gives up being a tyrant in regard to India, and it was announced in the newspapers yesterday that Great Britain has released 50,000 political prisoners. I think eventually we will get this thing settled as it should be and we will automatically pardon all these political prisoners now in jail under prohibition laws. France pardoned its political prisoners in the Bastille at the outbreak of the French Revolution. Russia freed its political prisoners in Siberia also at the outbreak of revolution. We will free our prisoners without revolution.

Mr. DEMPSEY. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed for 10 minutes out of order.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed out of order for 10 minutes. Is there objection? The Chair hears none.

Mr. DEMPSEY. Mr. Chairman and members of the committee, the newspaper dispatches throughout the country were filled yesterday with an account of the tremendous cave-in of rock at Niagara Falls. That was to be expected; it could have been provided against. All the preliminary work had been done. This splendid scenic wonder could have been preserved and improved and it was simply neglect which caused this tremendous disaster.

The situation at Niagara Falls is this: The vast volume of water in the Great Lakes, amounting to 226,000 cubic feet a second, thunders over the Falls; 56,000 cubic feet has been diverted for power purposes, leaving 170,000 to go over the Falls. Ten thousand cubic feet flow over the American Falls, 1,000 feet wide, and 160,000 feet flow over the Canadian Falls, 3,000 feet wide.

To make the Canadian Falls equally beautiful with the American Falls requires only 30,000 cubic feet. That is a plain case of mathematics, because the American Falls are 1,000 feet wide and the Canadian Falls 3,000 feet wide. Ten thousand cubic feet a second over the American side makes a beautiful, complete cataract, all rocks are hidden from view, and you see nothing except the scene of beautiful falling water.

On the Canadian side, with 160,000 cubic feet when you only need 30,000 cubic feet, with that enormous volume of water with its tremendous speed pouring down in the center of the 3,000 feet causes a constant and great erosion, and threatens great disaster on the Canadian side.

You know on the American side night before last a vast chasm was caused by falling rock 150 feet long and 50 feet deep.

Now, how can such disasters be prevented? How can the Falls be beautified, how can it be made a more wonderful scene than has ever yet been before us in this country? Simply by the placing of works in the river to spread the flow of water, and that can be done without one cent of cost to the United States.

Two things will have resulted. First, we will have a grander and more splendid scene for the 3,000,000 tourists who annually visit there, and we will have prevented for all time any further disaster to the Falls.

A treaty was years ago agreed to between the United States and Canada for the doing of this most highly beneficial work. That treaty was ratified by Canada, but nothing has been done by the United States.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. O'CONNOR of New York. The gentleman is exceptionally familiar with all these matters. Will the gentleman state what is delaying the adoption of this treaty on the part of the United States? The State of New York is very earnestly interested in seeing this question worked out in some satisfactory manner.

Mr. DEMPSEY. There have been no hearings by the Senate committee.

So far as I have been able to learn, there is a desire on the part of some members of the Senate Committee on

Foreign Affairs to deal with all questions pending between Canada and the United States at one time, notably the question of the improvement of the St. Lawrence River at the joint expense of the United States and Canada.

Mr. MORTON D. HULL. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. MORTON D. HULL. What would the effect of any such diversion plan be upon the appropriation of water for power purposes?

Mr. DEMPSEY. I am coming to that. To answer the gentleman's question is to tell what the treaty is. The treaty is that the Hydroelectric Power Commission of Canada and the Niagara Falls Power Co. combined shall make this improvement at their own expense, and that in return the two countries shall allow each of them to use 10,000 additional cubic feet per second for power purposes for the period of seven years.

Mr. MORTON D. HULL. Each or both?

Mr. DEMPSEY. Each. Let us see what that means. To make a more beautiful falls than we have ever seen requires only 40,000 cubic feet per second. That would leave, in addition to the water now diverted for power purposes, 130,000 cubic feet of water which can be used to better the conditions, to increase the wealth, to add to the opportunities, to raise the scale of living of the American people. This is a tremendous unused wealth which should not be allowed to run to waste, as has been the case throughout our history.

Under the pending treaty the two countries authorize the use of only one-tenth of that 130,000 cubic feet, and that only for the limited period of seven years. So, for this slight concession, which will be in the interest of the people of the whole United States, for this small amount of power to be used only for this limited time, the Government secures this benefit for its 3,000,000 visiting tourists who go there every year to see the Falls, and they will see the Falls to greater advantage and a far more beautiful Falls with this improvement than without it. The present situation will constantly, certainly, and speedily grow worse. A great disaster may happen at any time if this improvement is not made, and by ratifying this treaty, without a penny of expenditure to the United States, a complete remedy can be applied.

Mr. O'CONNOR of New York. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. O'CONNOR of New York. If a similar question, not involving any treaty of course, came before this House, I imagine it would be referred to the committee of which the distinguished gentleman from New York is the chairman.

Mr. DEMPSEY. It might properly be so referred.

Mr. O'CONNOR of New York. We have had occasions in this House in the past where matters were pending in the Senate of which we had no jurisdiction, but where the House has in some way memorialized the Senate to take some action in the matters.

Only this morning we heard considerable debate concerning the arbitrary exercise of power by chairmen of our committees in the conduct of committee business. It is rumored, that the distinguished gentleman from the West who is chairman of the Committee on Foreign Relations of the other body, which has jurisdiction of this matter, is acting arbitrarily in refusing to take up before his committee the matter of this treaty. Some action might be taken here to respectfully request the Senate to take some action on this important international question.

Mr. DEMPSEY. As I am advised that there is this talk that certain Members of the Senate—I think only a very few Senators—do not want to deal with this question with Canada until all questions, and particularly the question of the adoption of the St. Lawrence route, are at the same time agreed upon, and that they say that Canada is very greatly interested and that we are conceding a great deal to Canada if we adopt this treaty. Quite the reverse is



true. Of the 3,000,000 tourists who visit Niagara Falls annually, I venture the assertion that 90 per cent, over two and a half millions, are American citizens.

Mr. LANKFORD of Georgia. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. LANKFORD of Georgia. Did the recent calamity detract much from the beauty of the Falls?

Mr. DEMPSEY. It must. Suppose a falls with an unbroken contour of 1,000 feet, and that suddenly, because these correction works are not placed in the river, there is torn out of that contour a ragged, jagged, uneven mass of rock 150 feet long, one-sixth of the entire distance, and 50 feet deep. Of course, it can not fail to greatly mar the beauty of the Falls, the long, torn space can not fail to present a most unsightly appearance.

Mr. LANKFORD of Georgia. And there is no way of again getting that beautiful contour that we once had, is there?

Mr. DEMPSEY. Yes. My understanding is that when these correction works are placed in the river, that not alone will that insure against such a recurrence but we will be able to temporarily divert the water from the broken part of the contour and build it up and make it complete and even as it originally was.

Let me conclude by saying this: Canada is not interested to anything like the extent the United States is. This is largely because we have 120,000,000 people and Canada only 11,000,000. This is, 10 to 1, a question of benefit to the United States. Canada is not the one to be largely or primarily interested in speedy action. Canada has ratified the treaty. Canada will be more likely to act favorably on other questions if we, in turn, ratify the treaty, and we are interested many, many more times than Canada; and every nature lover, everyone interested in protecting the scenic wonders of the United States, everyone throughout the United States who has taken an active interest in them, led by Mr. McFarland, who is at the head of all of the societies of this nature, is advocating in season and out of season, earnestly and unitedly, the immediate adoption of this treaty.

Mr. MEAD. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. MEAD. Would we not expedite the enactment of this treaty if we could eliminate the diversion of water for power purposes which is now in the treaty? That seems to be the objectionable phase of it, as I understand.

The CHAIRMAN. The time of the gentleman from New York [Mr. DEMPSEY] has expired.

Mr. DEMPSEY. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes in order that I may answer the gentleman.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DEMPSEY. As negotiated, the treaty has been adopted by Canada. Let us see whether we would get more speedy action by following the course suggested by the gentleman, or which the gentleman says other people may suggest. First, we would have to go back and negotiate a new treaty. We would have to negotiate a treaty with a country which had already ratified that treaty, with a country which would feel we had not acted in a very friendly spirit, in a spirit conducive to agreement on a new treaty. I doubt whether we could negotiate a new treaty. It would take a long time, and during all that time the falls would be in grave danger from conditions as they now exist. Our people would not want to take the risk of waiting that length of time.

Next, the amount of water that is diverted is negligible. It is only 10,000 cubic feet on each side of the international boundary out of 130,000 cubic feet which could be taken. Let me say to the gentleman that, as far as I am concerned—and I believe it is the business sentiment of the United States—that all agree that all of that power which can be diverted without injury to Niagara Falls as a scenic wonder, should be diverted, added to the use, added to the wealth,

added to the comfort of all of the people of the United States, and particularly the people of western New York. [Applause.]

To eliminate the slight and temporary diversion for power from the terms of the treaty would be to negotiate an entirely new and different treaty. Under the pending treaty the use of the added diversion is extended to the power developers in the two countries as slight compensation for the expensive and difficult correction works which they are to install, while under a new treaty, with no additional diversion, the two countries would be obliged to do this great work at a public and very large expense. Whether Canada would feel that it is in a position, as a Government, to undertake this expense can well be doubted. Even in our country we are straining our resources during the present depression. Such a treaty as the gentleman suggests could not be negotiated for many years, if at all. Such a treaty is a dim, distant, and almost hopeless possibility. The pending, highly beneficial treaty is one which can be ratified by the United States Senate in a few hours, and with that action, the Falls be protected from disaster, be made far more beautiful for all time, and incidentally many men be employed and a large sum of money expended to relieve want and need.

The CHAIRMAN. The time of the gentleman from New York [Mr. DEMPSEY] has again expired.

The pro forma amendment was withdrawn.

Mr. CLANCY. Mr. Chairman, I ask unanimous consent that I may withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The Clerk read as follows:

Envoys extraordinary and ministers plenipotentiary to Albania, Austria, Bolivia, Bulgaria, Czechoslovakia, Colombia, Costa Rica, Denmark, Dominican Republic, Dominion of Canada, Ecuador, Egypt, Finland, Greece, Guatemala, Haiti, Honduras, Hungary, Irish Free State, Nicaragua, Norway, Panama, Paraguay, Persia, Portugal, Rumania, Salvador, Siam, Union of South Africa, Sweden, Switzerland, Uruguay, and Venezuela, at \$10,000 each; to the Serbs, Croats, and Slovenes, \$10,000; and to Estonia, Latvia, and Lithuania, \$10,000; in all, \$350,000.

Mr. CLANCY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CLANCY: Page 5, line 25, strike out the word "Panama" after the word "Norway," and on page 6, line 4, after "\$350,000," insert "envoy extraordinary and minister plenipotentiary to Panama, \$15,000."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the proposed amendment.

Mr. CLANCY. Mr. Chairman, ladies and gentlemen of the committee, the purpose of this amendment is to increase the salary of the envoy extraordinary and minister plenipotentiary to Panama by \$5,000, and partly to reward and adequately provide for Hon. Roy Davis, the minister to Panama, who, through the use of extraordinary wisdom, tact, and discretion, prevented a great deal of bloodshed at Panama recently on January 1 and 2.

The United States representative at Panama is ordinarily in a highly strategic and important position. Mr. Davis has been particularly praised in the past by officials of the State Department and by President Herbert Hoover as a man of first-class experience and training and of the very highest character and discretion.

He retired on the night of January 1 at 11 o'clock and was called out of bed at 3 o'clock to find that a revolution was in full progress. The revolutionists had cut the telephone wires. The minister was in the Republic of Panama. The telephone wires were cut so that it was presumed he could not get word to the American military force in the American zone to rescue the legation, and especially the refugees there; but he had foreseen just that event, that his wires would be cut, and he did get word to the forts in the American zone and had the general in command there and some troops, called military police, arrive to protect the legation about two hours after the revolution began.



Then, at the risk of his life, while machine guns, rifle fire, revolver fire, and shotgun fire were raking the street down which he had to proceed, he went to the President's palace and prevented the execution or murder or assassination of the President and his wife. At that time the insurgents had forced the palace through the back door, coming through the National City Bank office. They had failed in an attack on the front door. The President was barricaded on the third floor of the Palace and was being defended by his guards with machine guns and rifles. The revolutionists had brought in dynamite and were about to dynamite the entire third floor with the President, his family, and guards thereon. Mr. Davis, I understand, unofficially told the insurgents that if they killed the President or if they killed the cabinet ministers, whom they had captured in the meantime by going to the house in squads of three or five, it would undoubtedly lead to difficulties with the United States. He did go to see the President himself under those difficulties; and then, when the palace fell about 6.30, the President and his wife were taken captive and the question of policing the streets came up and the closing of the saloons, the stores, and so forth, and Mr. Davis was right there with unofficial suggestions, and suggestions which the revolutionists wanted to hear.

Just before he went down that street which was swept by machine-gun and rifle fire, a young newspaper man whom I knew very well, Mr. Hartwell Ayres, was shot two or three times and he lay there in his blood for a couple of hours, nobody being able to rescue him, and he finally died.

If we had not had a man of the courage and high caliber of Mr. Davis at Panama, we would be in increasing difficulties with the Latin American republics, a great many of which have had revolutions, even the greatest of them, and those which we thought were most stable, such as Argentina and Brazil.

It was a very delicate situation and constitutional questions had to be met. Under our treaty with Panama we could not enter their zone unless there was great disorder or unless so requested by the Executive of the country. The representatives of the other Latin American countries arrived on the scene very early and wanted to know from Mr. Davis what the United States was going to do. Mr. Davis kept them placated and satisfied.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. DYER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DYER. I am sure the gentleman from Michigan will state that he is offering his amendment upon his own initiative and that he is not offering it at the suggestion of our distinguished minister at Panama, Mr. Davis.

Mr. CLANCY. Certainly not. He has not communicated with me, and this raise of salary is my own idea.

Mr. DYER. We all recognize the great ability of our minister, Roy Davis, and coming from Missouri we would expect him to do the right thing in such emergencies, but I know he would not himself initiate anything in the way of an increase in salary for himself.

Mr. CLANCY. In that connection I may say that the preceding minister, John G. South, of Kentucky, it has been said, spent on an average of \$40,000 or \$50,000 a year in that same position. But here is the importance of these revolutions to the United States. Our foreign trade with these 19 Latin American countries amounts to about \$2,000,000,000 per year. That is what they buy from us. That trade has been, to use the vernacular, absolutely "shot to pieces" through these revolutions. There is nothing that is so easily frightened as capital, and as soon as dispatches are carried that there are disorders, rebellions, and revolutions in these countries their credit is hurt and shipments are stopped both into the country and out of the country. Speaking for my own city, our foreign trade in 1929 was

about \$315,000,000. Much of that was with Latin America. The movement to build good roads in Latin America is almost entirely a Detroit movement. We sell them over 90 per cent of their cars; we sell them road-building machinery, and so forth, and we help finance their good roads. Then we get out of these countries more cheaply the necessities of life, such as sugar, copper, coffee, rubber, rare hardwood lumber, and a great many other materials, including some drugs, which are absolutely essential to our great American people's welfare.

Now, I think when we are appointing commissions we should appoint a commission to study the causes of these revolutions in those countries. We have made loans of \$250,000,000 to American shipbuilding companies, and we now have some of the finest freight and passenger ships in the world flying our flag. They travel to these Latin American ports. Our whole Latin American investment is jeopardized. If Mr. Davis had been hot-tempered or had gotten excited and had thrown the American troops into Panama, the most conservative estimate is that the well-armed men there would have killed at least 50 American soldiers; they probably would have gotten the Americans who were in the hotels and probably would have been able to raid the legislation. In addition it has been estimated that we would have slaughtered Panamanians to the number of at least 1,000. That would have angered all of the remaining 18 Latin American countries and it would have given our trade competitors, such as Germany, England, and France, as well as other countries, a distinct trade advantage over us.

I have made some inquiry into the causes of these revolutions, and in connection with the one in Panama I found that the people complained about the elections not being fair. In these Latin American countries in the Central Zone I think it is justified to state that at least 80 per cent of the people are illiterate. They do not know intelligently how to vote, so that the party in power can, by manipulating the ballot boxes, remain in power indefinitely. That has been charged against Mr. Chiara, who was formerly President, and who was succeeded by Mr. Arosemena, but I can not vouch for the justice of the charge.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. SHREVE. Mr. Chairman, I am quite familiar with this situation in Panama. I am fortunate in having the acquaintance and friendship of the distinguished gentleman who occupies the position of envoy extraordinary and minister plenipotentiary to Panama. All that has been said about him is true. He is a wonderful man, doing a wonderful work, and every American should be proud of him. But this proposition of promotion, increase of salary and things of that kind, should come to the Congress in the regular and orderly way. The Department of State will take notice of this and at the proper time they should make the recommendation.

Such a recommendation should come through the Bureau of the Budget and considered by the legislative committee. It is entirely out of order in connection with this appropriation bill, and I am sure the point of order made by the gentleman from Wisconsin will be sustained.

Mr. DYER. Will the gentleman yield?

Mr. SHREVE. Yes.

Mr. DYER. The proper way for the Department of State to take cognizance of the splendid services rendered by Mr. Davis, both in his present position and in his years of service, would be to advance him to the position of ambassador in some other country.

Mr. SHREVE. That would be fine.

Mr. SLOAN. Will the gentleman yield?

Mr. SHREVE. Yes.

Mr. SLOAN. I will ask the gentleman from Pennsylvania why he did not raise his point of order against the revolution coming at the particular time, instead of against the excellent speech of my colleague from Michigan?

Mr. SHREVE. I was not advised as to just when it was coming.



Mr. STAFFORD. Mr. Chairman, under my reservation of objection, if I may have the attention of the members of the committee for a minute, I think if we should adopt the amendment offered by the gentleman from Michigan it would compel the Government to have this very exceptional man—with whom I am not acquainted, but who has been so well described by the gentleman—confined on the Isthmus, because he does not confine this increase of salary to this man, but he provides that whoever is envoy extraordinary and minister plenipotentiary to Panama shall get \$15,000.

Now, I respectfully contend there are other governments in the Central American countries where revolutions are much more prevalent, and if that is the basis on which the gentleman is going to base his increase of salary, certainly we should increase the salary of our minister in Nicaragua, where a continual revolution is going on. Honduras also has revolutions. The gentleman is not fair in singling out for preference a country where there is a revolution only once in about 20 years, when in these other countries revolutions are going on practically all the time.

Mr. Chairman, I feel constrained to press the point of order that the amendment is legislation on an appropriation bill.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] makes the point of order against the amendment that it is legislation on an appropriation bill. The paragraph before the committee is one making appropriations for the salaries of envoys extraordinary and ministers plenipotentiary to certain countries whose salaries by law are fixed at \$10,000 each. The amendment of the gentleman from Michigan [Mr. CLANCY] undertakes to increase the salary of one of these officers to \$15,000. In the opinion of the Chair, the amendment proposes legislation on an appropriation bill, and sustains the point of order.

The Clerk read as follows:

Minister resident and consul general to Liberia, \$5,000.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word. The item before the committee is for the payment of our representative in the Republic of Liberia. I am sure every Member of the House must have been greatly impressed by recent news items concerning conditions of slavery existing in that Republic. There had been reports of intolerable labor conditions there. The report was expected for some time. I remember when we had a hearing before our committee, the Judiciary Committee of the House, on a bill to permit a rubber pool, and some very distinguished gentlemen representing rubber and automobile industries appeared before the committee.

Oh, I remember the then Secretary of Commerce, Mr. Hoover, and Mr. Raskob coming in arm and arm. They were very chummy that day. Charlie Firestone and a few others were there.

Mr. STAFFORD. What strange bedfellows politics makes.

Mr. LAGUARDIA. Well, pools make strange bedfellows, too.

We had gone into this question of rubber production, and one of these gentlemen—I do not remember now, but the hearings will show who it was—stated that they expected to get quite a supply of rubber in Liberia, because they had induced the Government of Liberia to change its laws, and that they would go to the Philippines if the Philippines would change their laws for them.

I do not blame the Government of Liberia for these conditions, but I do blame some of these foreign corporations who are doing business in Liberia and exploiting that country and bringing about this condition of slavery, and rather than protest to the Government of Liberia I hope our State Department will take the attitude that we will cooperate with the Liberian Government in doing what we can to see that our nationals who are doing business in their country refrain from a system of slavery and peonage that exists there now.

It would seem that we may very well get our own nationals to set a good example while we are protesting.

The Government of Liberia is a small government. The country has not much in the way of resources. It paid its

debt to us. I think they had a small debt when the rubber people went in there and the rubber people took care of that. It is no secret any more, and I believe it is well to record our protest against the infamous conditions of labor that have been brought about in Liberia by these foreign corporations who are doing business there now, and it is to be hoped that the State Department will assume such an attitude.

Why, it seems rather futile that the foreign offices of other governments should raise an assumed righteous indignation against the conditions of slavery when it is their nationals who are doing business in Liberia that are responsible for the conditions against which we protest.

I hope the State Department will investigate the report made by the commission, and if any of our citizens are responsible for that condition, and I hope they are not—but if any of our citizens or corporations are participating in causing this condition of slavery I hope we will give publicity to that fact and bring the scorn of their fellow citizens upon their heads.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CLANCY. Mr. Chairman, I move to strike out the last two words.

The very intelligent and generally patriotic gentleman from New York [Mr. LAGUARDIA] has given us some ideas on the methods used by consumers of rubber in the United States to produce rubber in tropical countries. He refers particularly to the automobile industry.

The gentleman from New York says there is a condition of slavery in Liberia and that the people who are running these plantations own the slave body and soul and own his offspring, and can sell them as chattels and transport them from one place to another. I do not believe this condition obtains.

When the tariff bill was under consideration Senator BLAINE, of Wisconsin, inserted a provision in the Finance Committee that any product brought into the United States manufactured or obtained in the raw state through indentured labor would be practically barred from this country. Well, what did that apparently innocent clause do? It shut off the United States from the use of quinine and many other drugs and commodities, and caused a potential loss, arbitrarily, to one rubber company in my district of \$30,000,000. It is the largest rubber company in the world. After quite a battle we had that amendment of Senator BLAINE's amended so that it was harmless. Now, what are the facts? Hundreds of articles come from these products made from indentured labor that are used to make life easier and happier for us.

They can only be manufactured by indentured labor because the inhabitants of the Tropics or the Equator will not work steadily. If they get a few cents or a few dollars, that is enough to maintain them for a week or a month. They disappear if they get a small amount of money. They have no sense of responsibility on getting out any crop or product.

Now, what would the gentleman from New York have? Would he have us buy rubber from the British and Dutch monopoly at arbitrary, high, monopoly prices. I had a world-trade day in Detroit a few years ago. I had a board of experts to teach Detroiters the advantage of holding the trade. Henry Ford said he would talk with the experts half a day about rubber, but he would have Edsel Ford spend all day with the experts.

Henry Ford was particularly interested in rubber. Cheap rubber is an essential in his industry and the experiments he conducted with Edison to grow rubber in the United States failed. Then at great trouble and expense at his time of life, great worry, Henry Ford established a large rubber plantation in Brazil; so far in the country that he could not get telegraphic communication but had to use wireless. What he and other Americans have done and what he is trying to do is bringing the British and Dutch rubber monopolies to terms. He has succeeded pretty well in doing it.



I believe it is Mr. Firestone's company that has great rubber plantations in Liberia. I am sure Mr. Firestone is a humane man. If Henry Ford is using Firestone rubber tires, I am sure, because of his humanitarian attitude on most questions, that he is anxious not to use tainted rubber. I am sure the tires that he uses and which you use are not tainted with human blood and human sweat.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CLANCY. I yield.

Mr. LAGUARDIA. The gentleman was talking about the condition of labor in Liberia. He said it was almost impossible to keep them at work. How do they keep them at work?

Mr. CLANCY. Under contract or by indentures, I presume. The men in Siam, I am told, are given the best kind of treatment. They are put in sanitary buildings, they have the benefit of medicine, doctors, and so forth. They are in far better condition than they would obtain in other ways, but they are indentured, and if a man fails in his contract he is not paid. They are paid good wages if fairly faithful, I am told.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CHINDBLOM. Mr. Chairman, I rise in opposition to the amendment. I do this to call attention to the fact that while the bill very properly carries an appropriation of \$5,000 for the minister resident, and consul general to Liberia, both Houses have now passed the bill H. R. 9991, which fixes the salary of the envoy extraordinary and minister plenipotentiary to Liberia at the sum of \$10,000 per annum. That bill passed the House April 9, 1930, and passed the Senate on January 15, 1931.

I have just been advised that it has not yet received executive approval but I apprehend that there is no question of that being done.

I am aware that at the present moment we are probably not in a position to change this appropriation, but no doubt before this bill becomes a law this legislation will be approved and this minister of the United States for Liberia will be appointed and entitled to a salary of \$10,000.

Mr. SHREVE. The committee was familiar with this proposition, but it was not then the law and we had to wait for its approval.

Mr. CHINDBLOM. I understand that, but I thought it might be well to have attention called to it at this time.

The Clerk read as follows:

For the employment of necessary clerks at the embassies and legations, including salary during transit to and from homes in the United States upon beginning and after termination of services, \$482,350.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the chairman of the committee. The bill provides for salaries for clerks transported to and from home in the United States. I would like to ask if employees in the Foreign Service are paid transportation expenses in addition to the salary?

Mr. SHREVE. Yes; usually.

Mr. JOHNSON of Washington. Are employees in the Department of Labor designated to work at foreign stations also paid for transportation to and fro?

Mr. SHREVE. It is rather new. It is only recently that the Department of Labor has been operating in foreign countries so extensively. My idea is that they are all taken care of, along with rent, heat, and light, and so forth.

Mr. JOHNSON of Washington. And the transportation of furniture?

Mr. SHREVE. I can not say anything about that.

Mr. JOHNSON of Washington. The reason I ask is this: I do not know that it is particularly the duty of the Committee on Immigration to try to get a proper balance between the employees of the Immigration Service in the Labor Department so that it would compare with similar service by employees in the Department of State. It so happens that this hard-working subcommittee of the Committee on Appropriations—and I think they have too much to do, too

many departments looked after in one bill—handles the appropriations for both State and Labor Departments.

To pass legislation that would bring the Labor Department employees up to a status similar to that of the State Department employees, the House Committee on Immigration has from time to time reported bills and had them placed on the calendar of the House. There is no way, however, to get them up on the floor except by a rule, by suspension of the rules, or by unanimous consent. It so happens that the last Calendar Wednesday call of this Committee on Immigration and Naturalization occurred on April 5, 1922—think of it—nine years ago. The committee has been recognized by rule occasionally in that long period covering more than four Congresses, and has been recognized for suspensions on some bill; but the important but minor legislative proposals that would correct the inequalities in these services, straighten up some situations in naturalization, some important matters in deportation acts, as well as needed changes in immigration laws which are apparent to almost everybody and for which we are frequently criticized as a committee for failure to act, can never be gotten up because such bills can not be passed by unanimous consent. Therefore we are dependent pretty largely upon the Subcommittee of the Committee on Appropriations to bring about such adjustments as seem to be necessary in the matter of pay and privileges of the two departments, even if that does strain the rule which limits legislation on appropriation bills.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes; certainly.

Mr. STAFFORD. Would not that condition be remedied in large measure by limiting the committees that have the call on Calendar Wednesday to but one day rather than two? Instances galore through the present session are manifest where committees like the Committee on Banking and Currency, for instance, frittered away the time of the House in the consideration of very minor bills so as to use up their two allotted days. We had another instance of it recently with the Committee on the Public Lands.

Mr. JOHNSON of Washington. That is an important committee and has lots of important legislation.

Mr. STAFFORD. Last week they gave way at half-past 2 o'clock in the afternoon because they did not have enough legislation reported to occupy the entire day, and they are going to have another day to-morrow on which to consider mostly legislation reported since last Wednesday. Would not that condition be obviated largely by limiting the right to Calendar Wednesday to but one day?

Mr. JOHNSON of Washington. As the gentleman knows, we once had one day per committee for Calendar Wednesday, and that offered opportunity for defeating legislation by using up the single day allotted by the gentle process of filibustering. I think perhaps that one situation would be to start at the bottom of the committees for the Calendar Wednesday call. It is now nine years since the Immigration Committee has had a Calendar Wednesday, and it may be 12 or 15 years before this committee has that right again. Does not the gentleman think that a bit discouraging?

Mr. STAFFORD. I am pointing out the abuse of the existing system which would, if corrected, give the gentleman at least one call during the term of Congress. The gentleman was here when we created Calendar Wednesday. It was for the purpose of giving committees the opportunity of having legislation considered.

Mr. JOHNSON of Washington. I was not here. Indeed, I came to Congress just after the wave that caused the creation of Calendar Wednesday.

Mr. STAFFORD. And yet the gentleman has never been the recipient of the benefits of that revolution.

Mr. JOHNSON of Washington. No. It has turned out to be a delusion and a snare for committees which are named more than one-half way down the list.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.



Mr. CHINDBLOM. Answering the gentleman's first question, at the bottom of page 115 of the bill now being considered the gentleman will find the following:

That not to exceed \$70,000 of the total amount herein appropriated shall be available for allowances for living quarters, including heat, fuel, and light, as authorized by the act approved June 26, 1930 (46 Stat., p. 818).

I have that statute here. It is entitled "An act to provide living quarters, including heat, fuel, and light, for civilian officers and employees of the Government stationed in foreign countries." In that act I read:

That under such regulations as the heads of the respective departments concerned may prescribe, and the President approve, civilian officers and employees of the Government having permanent station in a foreign country may be furnished without cost to them living quarters, including heat, fuel, and light, in Government-owned or rented buildings, and where such quarters are not available may be granted an allowance for living quarters, including heat, fuel, and light, notwithstanding the provisions of section 765 of the Revised Statutes.

Mr. JOHNSON of Washington. I know that; I was a party to the making of that statute; but how are we going to equalize these salaries? The salaries of these particular men in the Labor Department are not the equivalent of those in the State Department, and, therefore, they are put to a greater strain when ordered to an overseas station. They can not move their furniture, they can hardly afford to move, and I am hoping that somewhere, somehow, there can be equality arranged between the men in the different public services doing the class of work which should require about the same pay.

Mr. CHINDBLOM. I am not addressing myself to the matter of regular salaries.

Mr. JOHNSON of Washington. I realize that. The public seems to want action on quite a number of things by the House Committee on Immigration. Members of the House, in speeches, call for this and that. But only yesterday we saw three corrective bills killed for want of unanimous consent. I appreciate the work done by the members of this subcommittee. I know it is through their personal efforts this year that you will find in this bill an increase for deportation purposes amounting to half a million dollars, in addition to that which has already been given heretofore. Our Immigration Committee has been asking some one to make that move for several years past. I am glad the Appropriations Committee has at last taken that step, because others of us who have seen the deportation machinery slow down for want of funds can now see more action. I am afraid, however, if certain contemplated legislation does get through, which would cause the deportation of revolutionary alien communists, the straight-out enemies of this country, a supplementary appropriation will have to be granted for another half or three-quarters of a million dollars.

I say that in the face of so many proposals for the appropriation of large sums of money that if many of the proposals are adopted then an extra session of Congress will have to be called to provide ways and means to raise the money. And under the Federal income-tax system it would seem that most people believe that there is a pot of gold at the rainbow's end.

The CHAIRMAN. The time of the gentleman from Washington [Mr. JOHNSON] has expired.

Mr. LA GUARDIA. Mr. Chairman, I move to strike out the last word.

I want to ask the gentleman from Pennsylvania [Mr. SHREVE] whether or not since a bill was before this House providing for clerks to embassies it has been the policy of the Government to employ only American citizens at the embassies?

Mr. SHREVE. As far as possible that is the policy. We find in certain instances it is much cheaper and better to employ foreigners.

Mr. LA GUARDIA. As we go around the embassies in Washington or even the consulates of foreign countries in our cities, the doormen and messengers are generally nationals of that country, disabled veterans who are there with

their medals and who make a very attractive appearance; while, if you go to our embassies abroad, we do not know whether the man who opens the door is going to give you an American handshake or try to kiss you on both cheeks. It seems to me it would be a good thing for this committee to provide that, where possible, American citizens should be given preference, and I think we could absorb a great many of our disabled veterans who would be willing to go abroad, by using them the same way as other countries use them, in minor capacities around the embassies. They could carry out the spirit of the Foreign Service law, and I am going to say something a little later with reference to the clerks in the consulates.

Surely, they are not employing all the American citizens that they could in foreign consulates. Since we have imposed new duties on them with reference to immigration visas, the contact with the people who must come to the American consulate for business, being with foreign clerks, is anything but satisfactory.

Mr. BACON. Will the gentleman yield?

Mr. LA GUARDIA. I yield.

Mr. BACON. As far as coming in contact on visa applications is concerned, the foreigner comes in contact with no one but American citizens.

Mr. LA GUARDIA. Since when? I am glad to hear that.

Mr. BACON. The policy is to employ as many American clerks in both the embassies and consulates as possible.

Mr. LA GUARDIA. I go further even. I do not think it is well to send a naturalized citizen to the country of his birth. I know they are observing that policy, but I am glad to hear the gentleman say that on visa matters, which is a very important proposition, as the gentleman well knows, that contact on visa matters be only with American citizens.

Mr. BACON. That is certainly the policy. Perhaps in isolated cases they may have to do something else.

Mr. LA GUARDIA. We have had deplorable conditions in some of our consulates in this connection.

Mr. SHREVE. In reply to the gentleman let me say that last year I visited about 29 different cities where we were represented and, except in one instance, I assure the gentleman there was not a single case in the large cities but what I was invited around to the back to meet a native of that country who had been there for 25 years, and I was told he was just as loyal as any American could be; that they could not get along without him. This idea of having foreigners up there to meet you and kiss you on both cheeks is absolutely absurd. It is not true.

Mr. LA GUARDIA. I am glad to hear that.

Mr. TEMPLE. Mr. Chairman, I rise in opposition to the pro forma amendment for the purpose of returning to a remark made a little while ago on the floor of the House when the forced-labor situation in Liberia was mentioned, and particular attention was called to the Firestone Plantations Co.

I hold in my hand a report of the International Commission of Inquiry into the Existence of Slavery and Forced labor in the Republic of Liberia. There are 10 pages devoted to the Firestone Plantations Co. I should not undertake to read the statement of facts and the full discussion of them, but in the commission's findings there is one paragraph, paragraph (f), where I find the following:

(f) Whether the labor employed for private purposes on privately owned or leased plantations is recruited by voluntary enlistments or is forcibly impressed for this service by the Liberian Government or by its authority.

The commission finds that labor employed for private purposes on privately owned plantations has been impressed for this service on the authority of high Government officials; that there is no evidence that the Firestone Plantations Co. consciously employs any but voluntary labor on its leased rubber plantation—but this, however, was not always the case when recruiting was subject to Government regulations, over which the company had little control; that all the company's laborers are free to terminate their employment at will.

I thought it might be well to get that finding of the international commission on record.

Mr. SHREVE. I want to thank the gentleman for the information he has given us.



Mr. LaGUARDIA. Will the gentleman yield?

Mr. TEMPLE. I yield.

Mr. LaGUARDIA. The gentleman picks out one paragraph. Is it not true that the finding of the commission is replete with conditions of slavery and peonage in Liberia?

Mr. TEMPLE. Oh, unquestionably.

Mr. LaGUARDIA. That is the point I was making.

Mr. TEMPLE. But I was calling attention to the remarks that had been made about the Firestone Co.

Mr. LaGUARDIA. I did not refer to any company.

Mr. TEMPLE. And the statement is that all the company's laborers are free to terminate their employment at will.

Mr. LaGUARDIA. Theoretically there is no doubt about that, but I was referring to conditions existing in Liberia, and the commission's report bears me out.

Mr. TEMPLE. I think the gentleman mentioned the Firestone Plantations Co.

Mr. LaGUARDIA. No. I mentioned Mr. Firestone in connection with the hearing we had.

Mr. TEMPLE. Yes; with the implication that Firestone's company in Liberia might be involved in this matter of forced labor.

Mr. LaGUARDIA. My implication was no greater than contained in the report which the gentleman holds in his hand. I stand on that report.

Mr. TEMPLE. I was simply calling attention to the fact that the commission itself says that this corporation is not employing any but those that are at liberty to terminate their employment at will.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I move to strike out the last three words, and I ask unanimous consent to proceed out of order for five minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed out of order for five minutes. Is there objection?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Chairman and members of the committee, I was somewhat surprised to hear the words of the Democratic leader, the gentleman from Texas [Mr. GARNER], and find him weeping crocodile tears in the well of the House in favor of a cash bonus for the World War veterans. I am one of the 122 Members of the House who have signed the Patman petition to discharge the Ways and Means Committee from the consideration of legislation which provides for the immediate payment of the full face value of the adjusted-compensation—bonus—certificates, as I favor this legislation. I respectfully disagree with the plan of the gentleman from Texas [Mr. GARNER], under which he provides for only a partial payment. At the time that the original bonus legislation was considered and passed he opposed and voted against it, and on this very day he opposes a full cash payment. He called upon the Democrats to bring forth legislation which would make a part payment on the bonus certificates, and there were great rumblings of applause from the disciples of Raskob when he indicated that the soldiers had to look to the Democratic Party for relief. Well, let us look at the facts. The Democratic administration sent about 5,000,000 men to fight the World War and were so blamed busy taking care of their financial angels, the war profiteers, that they forgot about adjusted compensation for the soldiers during the time they were fighting. Under the Democratic administration of the disciples of Raskob the veterans were given a \$60 cash bonus at the time of their discharge.

Yes; after receiving \$1 per day for services in this country and \$1.25 per day for overseas service, while war profiteers were making billions of dollars under a Democratic administration, the soldiers were discharged and thrown upon their own resources at a time when millions were out of employment, and the good-hearted Democratic administration, which sent them to war, gave them the big cash bonus of \$60. [Applause.] My friends, practically all of the legislation giving decent benefits to the veterans of the World War came not from the Democratic Party of the disciples of Raskob, but from the Republican Party. [Applause.] When

the totally disabled soldiers, who fought that Democratic war, came back the generous Democratic statesmen had provided the large amount of \$30 per month for the veterans who were totally disabled as a result of disabilities or diseases contracted in or resulting from their service. The much higher rates which the veterans are now getting and the bonus benefits which they have received in excess of the measly \$60 Raskob Democratic bonus were given to these veterans by the Republican Party and by a Republican administration. [Applause.] So I sincerely hope that none of the veterans of America, who served in that Democratic World War, will fall for the publicity stunt of the leading disciple of Raskob on the floor of the House to-day in demagoguing on the bonus proposition. [Laughter and applause.]

The pro forma amendment was withdrawn.

The Clerk read as follows:

#### CONTINGENT EXPENSES, FOREIGN MISSIONS

To enable the President to provide at the public expense all such stationery, blanks, record and other books, seals, presses, flags, and signs as he shall think necessary for the several embassies and legations in the transaction of their business, and also for repairs, including minor alterations, repairs, supervision, preservation, and maintenance of Government-owned diplomatic properties in foreign countries, and properties acquired under the act approved May 7, 1926, as amended (U. S. C., Supp. III, title 22, secs. 291, 296), and including also custodial service, water, materials, supplies, tools, seeds, plants, shrubs, and similar objects; newspapers (foreign and domestic), postage, telegrams, advertising, ice, and drinking water for office purposes, hire of motor-propelled or horse-drawn passenger-carrying vehicles, and purchase, maintenance, operation, and hire of other passenger-carrying vehicles, uniforms, furniture, household furniture and furnishings, except as provided by the act of May 7, 1926, as amended, for Government-owned or rented buildings when in the judgment of the Secretary of State it would be in the public interest to do so, not to exceed \$50,000, typewriters and exchange of same, messenger service, purchase of launch for embassy at Constantinople not exceeding \$15,000, and operation, maintenance, and rental of launch for embassy at Constantinople not exceeding \$3,500, compensation of kavasses, guards, dragomans, porters, interpreters, translators, and supervisors of construction, compensation of agents and employees of and rent and other expenses for dispatch agencies at London, New York, San Francisco, Seattle, and New Orleans, traveling expenses of Diplomatic and Foreign Service officers, including attendance at trade and other conferences or congresses under orders of the Secretary of State as authorized by section 14 of the act approved May 24, 1924 (U. S. C., title 22, sec. 16; U. S. C., Supp. III, title 22, sec. 16), miscellaneous expenses of embassies and legations, and for loss on bills of exchange to and from embassies and legations, including such loss on bills of exchange to officers of the United States Court for China, and payment in advance of rent of dispatch agencies, cost, not exceeding \$350 per annum each of the tuition of Foreign Service officers assigned for the study of the languages of Asia and eastern Europe, telephone and other similar services under this appropriation are hereby authorized, \$912,740: *Provided*, That no part of this sum appropriated for contingent expenses, foreign missions, shall be expended for salaries or wages of persons (except interpreters, translators, and messengers) not American citizens performing clerical services, whether officially designated as clerks or not, in any foreign mission.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph, and particularly to that part which relates to the purchase of a launch for the embassy at Constantinople and the rental of a launch for that embassy.

Mr. SHREVE. Replying to the gentleman, that is a custom which has obtained for very many years. The officials of the Government have to go outside of the city during the hot weather and for many years we maintained a launch. It finally burned or was destroyed.

Mr. STAFFORD. It blew up.

Mr. SHREVE. We happened to have a man who had a launch of his own and it was used for a time. However, he has retired and the Government, in order to take care of its men there, must provide a new launch.

Mr. STAFFORD. What is the necessity of providing a launch for the use of our diplomatic representative in going out and meeting incoming steamers for the purpose of receiving passing Americans who happen to drop in port at the Levant?

Mr. SHREVE. Well, that is just a matter of courtesy. Any American would like to be received in a foreign country, but it does not occur very often and it is not very expensive. Then, too, there is no way of living in that city during the



hot summer time and it is necessary for them to have this launch in order to get out of the city.

Mr. STAFFORD. Are there not many cities which are the capitals of foreign countries located at a seaport where it would be a delightful interlude to their heavy burdens to have a launch which would enable them to go out into the bay?

Mr. SHREVE. Oh, no; and that is not the point at all. Many ships are passing through these harbors; the consular agents must go to the ships and the officials of the ships must return. It is a little matter of accommodation, and, in addition, this launch is used for the purpose of carrying these officials outside of the city during the hot weather.

Mr. STAFFORD. It was my impression that the Republic of Turkey had changed its capital from Constantinople to Angora.

Mr. SHREVE. That has not changed the official status of the United States as yet.

Mr. STAFFORD. I was wondering whether our diplomatic representative was remaining in Constantinople and not going over to the official capital at Angora because of the launch?

Mr. SHREVE. Well, I am unable to answer the gentleman.

Mr. STAFFORD. Is the gentleman quite certain that this will not be used as a precedent for others on our ambassadorial staff to request a launch for their private pleasure?

Mr. SHREVE. I have handled the bill for about 12 years and the launch has been there during all the 12 years, and yet no one else that I know of has asked for such a launch.

Mr. STAFFORD. The former launch that blew up was one that had belonged to the Navy?

Mr. SHREVE. It was loaned to the Government.

Mr. STAFFORD. It was loaned to them by the Navy Department while Admiral Bristol was in charge of some investigation there on behalf of the Government.

Mr. TEMPLE. There was a launch there before Admiral Bristol was there.

Mr. STAFFORD. The erudite scholar of the Committee on Foreign Affairs advises me it was there before Admiral Bristol—

Mr. BACON. It has been there 25 years.

Mr. STAFFORD. From my reading of the hearings I gleaned the impression that Admiral Bristol left it there. Mr. Carr states that in the hearings on page 120. Perhaps Mr. Carr is wrong and the gentleman from Pennsylvania [Mr. TEMPLE] is right, and I would not be surprised at that. Mr. Carr states:

I think it was three years ago, when Admiral Bristol was there and was about to leave, he recommended that one of his launches be taken over by the State Department. We succeeded in having that launch transferred by the General Coordinator to the State Department at no cost at all. You gave us the money to maintain that launch.

I believe the history of the launch is that it was a former Navy launch.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for three more minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. STAFFORD. In view of the statement made by the chairman of the committee that he does not think this will be used as a precedent for some of our other high-grade, high-hat diplomatic officers who are assigned to diplomatic posts, I am inclined to withdraw the reservation, but for the time being I will hold it in abeyance until I hear what the distinguished chairman of the Committee on Foreign Affairs has to say.

Mr. TEMPLE. The launch that the gentleman calls attention to was perhaps left there about three years ago, but it has been a great many years longer than three years that they have had a launch there, although perhaps not this

particular vessel. As we both very well know, there has been a launch there for a great many years.

Mr. BACON. For 25 years.

Mr. TEMPLE. I recall that when the appropriation bill used to go through the Committee on Foreign Affairs we provided at that time for a launch.

Mr. STAFFORD. Was the earlier launch of the same character as the one that blew up so that they had to take another one of the Navy brand?

Mr. TEMPLE. It may have been that the early one wore out.

Mr. STAFFORD. It may have worn out by reason of the barnacles that grew upon it by reason of its service.

Mr. LINTHICUM. If the gentleman will permit, I have been on the Foreign Affairs Committee for 20 years, and we have been appropriating for such a launch every year. I was in Constantinople over 25 years ago and they had one then for the purpose of meeting the boats in the stream. The boats can not go up to the piers like they do in most places, and this launch is necessary for them to meet the boats in the stream, and is not used for any sporting purpose or anything of that kind.

Mr. STAFFORD. I would not be inclined to impute any sporting proclivities such as must be in the mind of the gentleman from Baltimore, acquainted as he is with the sports over in Baltimore.

Mr. LINTHICUM. I think if we all could go out for a little sport every now and then we would be better off and would pass better legislation.

Mr. STAFFORD. The aridity around here is very oppressive and burdensome, I will grant you.

I withdraw the reservation of a point of order.

Mr. CLANCY. Mr. Chairman, I move to strike out the last two words.

I wish to inquire about what looks to be a very suspicious appropriation here on page 7, line 9, an appropriation for ice for the embassies and legations and consulates.

In my city if a café or a restaurant or a cabaret furnishes ice and the patron brings in the wrong kind of ingredient, that building is padlocked at terrific loss to the owners of the building. I would like to ask the gentleman from Pennsylvania [Mr. TEMPLE], the chairman of the Foreign Affairs Committee, and especially the minority leader of that committee, the gentleman from Maryland [Mr. LINTHICUM], just what the practice is with regard to furnishing ice. Some Members of the House and some Members of the Senate in the past have made bold to criticize the representatives of foreign governments in this city because they do not always mix ice with water when they serve drinks and I would like to know what the practice is.

Mr. TEMPLE. I am sorry the gentleman from Michigan does not know any other use for ice than the use to which he refers. [Laughter]. There are legitimate uses for ice and the ice in the embassies is used legitimately. [Laughter and applause.]

Mr. CLANCY. I was on the Foreign Affairs Committee once; but since there has been discussion by Members of Congress and I think it has been a rather impertinent discussion, of the habits of representatives of foreign countries, who have been harshly criticized for practicing the customs of their own countries here in Washington, I think I have raised a pertinent inquiry. We are about the only nation in the world that takes such an attitude on mixtures with ice. The Prince of Wales, who represents an honored and dignified Empire, does not hesitate to dedicate a brewery or distillery, and 2,500 feet away from my city there begins a prosperous and a happy country where the jails are not filled with prohibition political prisoners. We have 50,000 political prisoners in our jails, while the Province of Ontario has recently closed one of its jails, and have very few violators of prohibition laws in others. When they had prohibition their jails were also filled with prisoners who were innocent of any real crime against society or mankind. I think since these other gentlemen have been frivolous enough to criticize representatives of foreign countries in



this country, that a representative of a foreign country might very well inquire, knowing us to be a hypocritical nation, just what this ice is for.

Mr. COLE. Will the gentleman yield for a question?

Mr. CLANCY. Yes.

Mr. COLE. I hope our genial Member from Michigan is not thinking of leaving the country and going across the border?

Mr. CLANCY. No; I think if I went anywhere I would go to Iowa where the product is cheaper and as pure as in foreign countries. Iowa is noted for its corn. [Laughter.]

The Clerk read as follows:

For relief, protection, and burial of American seamen in foreign countries, in the Panama Canal Zone, and in the Philippine Islands, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, in Porto Rico, and in the Virgin Islands, \$50,000.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. I want to ask if an American seaman stranded in a foreign port, whether through his own fault or not, is now entitled to transportation home? The reason I ask is that during the recess of Congress a seaman came to me complaining bitterly that he applied at one of our consulates for relief and to be sent home. He informed me that our vice consul caused him to be jailed and kept there until a ship came into that port. He was then put on a ship—I have forgotten the term he used, but his passage was not paid back and he was compelled to work his passage.

Mr. SHREVE. That is the custom. The man was returned, transportation paid; but it is expected that where they are able they will work their passage on the ship.

Mr. LAGUARDIA. During the time between the time he applies for passage and the time the ship is available, has the consul the right to put him in jail for safe-keeping—or should the seaman be provided with board and lodgings?

Mr. SHREVE. Not unless there is some reason for it; he should not be put in jail simply because he is waiting for a passage home. The law says:

The seamen shall, if able, be bound to do duty on board the vessel in which they may be transported according to their several abilities.

If they are not able, they are not expected to work.

Mr. LAGUARDIA. Is a bona fide American seaman who misses his ship, or for some other reason is stranded in a foreign port, entitled to a passage home?

Mr. FREE. If the gentleman will yield, if a seaman deserts he is not entitled to relief. The comptroller has so ruled. We have three bills before our committee to clear up this whole thing so that every seaman, even in a foreign country on his own fault, will get transportation.

Mr. LAGUARDIA. That may explain the reason why the man I speak of was in jail. He deserted and they put him in jail until the ship was available.

Mr. SHREVE. Just to clear up the situation I will read a little further from the law. It is a statutory obligation on the consul. His only discretion lies in determining whether the men are actually destitute, and if they are actually American seamen he is obliged to provide relief in the way of food, clothing, shelter, and transportation.

The Clerk read as follows:

To enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service, and to extend the commercial and other interests of the United States and to meet the necessary expenses attendant upon the execution of the neutrality act, to be expended pursuant to the requirement of section 291 of the Revised Statutes (U. S. C., title 31, sec. 107), \$400,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. Here is an item of \$400,000 carried for years, and is a fund which the department, I believe, uses for secret work.

Mr. SHREVE. It is secret at the time, much of it—but not carried in the newspapers.

Mr. STAFFORD. It is for the use of the department in cases where they think it may justify its use?

Mr. SHREVE. Yes; but usually only a small portion, 35 or 40 per cent, is used.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to withdraw the pro forma amendment.

The pro forma amendment was withdrawn.

Mr. CLANCY. Mr. Chairman, I move to strike out the last word. In regard to emergencies arising in the Consular Service, I would like to refer to the consular agents in Canada in respect to immigration matters. You probably know that our relations with Canada are somewhat delicate. Quarrels have arisen at the border over the right which the Canadians have had for many years to enter the United States to work, and to return to Canada at night, commuting. Then, again, we have rather ticklish negotiations with Canada over the question of prohibition. Certainly, we have not bettered ourselves in their eyes by our hypocritical attitude. We have killed, at least, one Canadian citizen in the open sea, and we have fired upon their ships within and outside what we think is the 12-mile limit. We suspected them of carrying liquors. It is of the utmost importance to preserve friendly relations with Canada, because Canada has been, and, I think, still is, our best customer, buying from us about \$900,000,000 worth of goods per year. If we should enter into a quarrel with Canada, Canada would be in a position to injure the United States. Undoubtedly, she would make reprisals as the outcome of these difficulties. Canada controls the nickel supply of the world, and nickel is absolutely essential to our iron and steel industries as an alloy. For our purposes, because it is closer to us than any other source, Canada controls the wood-pulp supply from which we make newsprint paper. She has shown a tendency sometimes to increase the cost to us of that. Canada can embarrass us in the Newfoundland fisheries and in the Alaska fisheries, and, in fact, in the struggle over the furnishing of bait at Prince Rupert, British Columbia, the western terminal of the Grand Trunk Railroad, we got into a very delicate state of argument with Canada.

Our consuls continually come in contact with the Canadians in the large cities who want a visa or a passport to enter the United States. A great number of other aliens also are awaiting their turn. When the consulates are not supplied with enough clerks they are possibly apt to get overworked and become irritable and to offend powerful Canadians. Therefore, I believe that the State Department should be very generous in recommending enough clerk hire and enough consuls to take care of all emergencies. That department has been quite generous in that respect lately. I think that the consulate at Windsor, across the river from Detroit, is the only American consulate in the world with two American consuls. It has been found necessary to have two consuls of equal rank to handle the great rush of business there. I think our consuls and our minister to Canada should be men of the very highest intelligence. There is a great democracy right alongside of us, and they are not troubled at all with the problems which trouble us. Dry or other agitators, particularly those against personal liberty, over there in Canada are given very short shrift. In Ontario there is not much dry sentiment and the dry political party there has dropped its dry attitude. I think we can learn something from Canada in that respect.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

The Clerk read as follows:

Post allowances to Diplomatic, Consular, and Foreign Service officers.

Mr. OLIVER of Alabama. Mr. Chairman, I call the attention of the gentleman from Pennsylvania to the fact that we had an understanding with the gentleman from Tennessee [Mr. BYRNS] about passing the next paragraph over until he is present.

Mr. SHREVE. That is correct. I ask unanimous consent that we pass over the item in respect to post allowances to Diplomatic, Consular, and Foreign Service officers.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to pass over the paragraph from lines 9 to 17, inclusive, on page 13. Is there objection?

There was no objection.



The Clerk read as follows:

For the purpose of carrying into effect the provisions of the "Foreign Service building act, 1926" (U. S. C., Supp. III, title 22, sec. 295), and for each and every object thereof, including the initial alterations, repair, and furnishing of buildings heretofore acquired under specific authorization of Congress for the use of the diplomatic and consular establishments in foreign countries, \$1,200,000, to remain available until expended.

Mr. LINTHICUM. Mr. Chairman, I move to strike out the last word. On January 16, 1931, the State Department gave out the following statement:

The Department of State has to-day received information from the American ambassador in Rome that there was signed yesterday an agreement between this Government as vendee and the Fascist Party as vendor for the transfer of a site with two buildings for an office for all American officials and for the American ambassador's residence in Rome. The consideration involved approximates 21,000,000 lire, a little over a million dollars. The property is now improved with two identical, well-built houses, one of which, on the corner of Via Veneto, directly across the street from the Excelsior Hotel, from the Ambassadors' Hotel, and diagonally across from the Commercial Bank and the Bank of Labor, is to be used for the offices of the American Embassy, the consulate general, the military attaché, the naval attaché, and the commercial attaché. In the other house will be the residence for the American ambassador.

The area purchased has a frontage of 147 feet on the broad Veneto Street for the office building and runs back 515 feet along Boncompagni to Lucullo Street, on which the ambassador's residence will front 165 feet. In the rear of the property Basilio Street has a frontage of 263 feet, so that adequate provision for future increased traffic is made with these three large frontages. Figuring the value of the two houses already standing at \$200,000, which is their appraised value and a figure considerably lower than the replacement cost, the price of this land works out at \$9 a square foot, which, for a business location in the heart of a city of the size and importance of Rome, is regarded as very reasonable.

When that statement was given out by the State Department it was stated in various press accounts reporting the purchase by the Foreign Service Buildings Commission of property for the American Government in Rome that we had bought various royal pavilions and royal palaces in which to house our ambassadors, and as to the purchase in Berlin that we have bought the Blucher Palace.

The obvious implication of these articles—and it is a clear misstatement of the facts—is that our Government is buying these properties for undemocratic use, as they were used when erected for royal occupancy. This is clearly a misleading implication, and I want to point out the true facts in connection with purchases in which two good Democrats—and I refer to Senator SWANSON and to myself—were glad to join, because we regarded them as good business propositions.

It is axiomatic in real-estate development that in any city the center is the financial district. Out of this center there radiates the best shopping district, which invariably leads to the best residential district. As the city grows, so the growth pushes along the shopping district and it encroaches on the residential streets. In the process the old residences nearest the financial district are first changed over into flats, then to stores and offices, then to banks and other offices. You have all seen it happen along Connecticut Avenue in Washington. Our purchases have sought to go along with and even anticipate this trend of growth and value.

In Berlin we bought a house originally built for old Marshal Blucher, but used for the last 30 years for offices and flats. Eighty per cent of this house will be used for American Government offices when we take possession of it. What difference does it make if, when the old house was given to Marshal Blucher, it was called a "palace." Certainly it made no difference to the banking business which has been a tenant for the last 10 years, or to our own commercial attaché, who has had his offices there for 10 years.

This same development has occurred in Rome, where we have bought what is described in a Baltimore paper as "two royal pavilions." What we have actually purchased is 2½ acres of land in the heart of Rome, with frontage totaling 827 linear feet on three streets, directly across the street from the principal hotel of Rome, and improved with two identical buildings, each with three stories and basement, measuring 63 feet 7 inches by 97 feet each. One building was formerly occupied by the private secretary to the mother of the present King of Italy. The other was occupied by the

chief lady in waiting to the queen mother. The land improved with these buildings formerly comprised the garden of the queen mother's palace.

In the development of real estate at Rome this palace has been purchased by the Fascist political party and is now used for offices for the agricultural society of the Fascist Party to aid in solving farming problems. Let me repeat that the queen mother's former palace is occupied by offices having as their democratic purpose agricultural development. Our Government has bought the adjoining property and will use one building for offices for our representatives in Rome who are there for the democratic purpose of assisting our people. The other house at the other end of the garden will be used to house the ambassador. It is not a palace; it was a house occupied by the private secretary to the queen. The price of this land, excluding the value of the buildings, works out at about \$9 a square foot. The location is comparable to that of the Hay-Adams house on Lafayette Square, which sold in Washington not so long ago for \$50 a square foot.

I am proud that we were able to make such a favorable deal for the Government.

I bring these facts to the attention of the committee to show that we have made a splendid investment in Rome, right in the heart of the city. We have purchased property 515 feet or more long, having two buildings upon it one of which can be converted into a home for the ambassador and the other into offices, housing all of our activities in that city.

Mr. BACON. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. BACON. As a matter of fact the two buildings together are appraised for less than \$200,000.

Mr. LINTHICUM. They are appraised at \$200,000. They need repairing. They have been used for offices, but I think when repaired they will constitute one of the most desirable situations that we have.

Mr. BACON. I indorse everything the gentleman has said. I have personally inspected this property, and I think we have a real good bargain, not only in the center of the commercial life of Rome but in the center of the hotel life, where the Americans naturally congregate. We have a bargain and we ought to exercise our option and purchase it as soon as possible.

Mr. LINTHICUM. I am glad to hear the gentleman say that. The contract has already been signed and we will acquire the property as soon as the title is passed.

Mr. BACON. Does the gentleman think a sufficient amount of money has been appropriated in this bill to carry out these purchases?

Mr. LINTHICUM. I am glad the gentleman called attention to that fact. I do not think so. There is no reason why we should not have had \$2,000,000 instead of \$1,200,000. It was stated in the hearings that \$3,000,000 are now appropriated, and that, together with this \$1,200,000, would be sufficient to get along. That is very true, or would be, if this were a long session, and we were going to continue in session for some time, but when we adjourn on the 4th of March, we will probably not meet until next December. No additional appropriations can be had before February or March of next year. We have under contemplation the building of an office building in Paris, on the Place de la Concorde—

The CHAIRMAN. The time of the gentleman from Maryland [Mr. LINTHICUM] has again expired.

Mr. SABATH. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LINTHICUM. We hope to submit bids for an office building in Paris within the next two or three weeks. That building will cost \$1,240,000 and will be one of the most ideal office buildings in that great city.

Likewise, we hope to purchase the Blucher Palace in Berlin. That is going to cost \$1,800,000. We likewise have



contracted for the purchase of this property in Rome, which will cost \$1,125,000. Also the building at Rio de Janeiro, which is to be an office building, and the office building at Buenos Aires must go along. Then we are building a number of buildings in Central and South America, where the health situation is not good. I can not see how the commission is to go ahead with \$1,200,000 and what they already have. It means that the work will be held up, whereas if we had \$2,000,000, instead of \$1,200,000, the work would not be held up but would go along in accord with the commission's plans.

Mr. BACON. Will the gentleman yield again?

Mr. LINTHICUM. Yes, indeed.

Mr. BACON. As a matter of fact, by the time the last deficiency bill comes along further study will have been made and perhaps any deficiency can be taken care of in that bill.

Mr. BLANTON. Will the gentleman yield?

Mr. LINTHICUM. Certainly.

Mr. BLANTON. Is it intended to tear down these buildings of which the gentleman has spoken?

Mr. LINTHICUM. Not at all. I have some pictures here. This is a picture of one of the buildings.

Mr. BLANTON. About how long will it be before they will want to tear that down and destroy it and build another one?

Mr. LINTHICUM. There is no reason why that should be torn down in the next 500 years so far as that is concerned.

Mr. BLANTON. There is no reason in the world why the present Post Office Department building on Twelfth and Pennsylvania Avenue should be torn down and destroyed. I think that is a most inexcusable waste.

It is one of the old landmark, picturesque buildings here, and I have heard people say it is one that impresses them most when they come to Washington. Just because it is a few years old is no reason why it should be torn down. I understand they are going to tear down, also, the Southern Railway Building, for which we paid a tremendous sum. It is practically a new building, of fireproof construction; but they want to tear that down, move it back a few feet, and build a new building. It was promised to this House that it would not be destroyed, but it is going to be destroyed in a short time. Members on the floor asked about it when it was contemplated to buy it and move out the Southern Railway Co. It was asked what the purpose and idea and intention was, and they promised it would not be destroyed.

Mr. LINTHICUM. The Foreign Service Building Commission does not intend to destroy anything which can be utilized belonging to the United States. These two buildings will make splendid homes for the officers and ambassador.

Mr. BLANTON. When American citizens go abroad to those cities the first thing that impresses them is the old buildings that have been standing there for years; but when we come to the Nation's Capital, we have to have everything brand new, and just because the Post Office Department building looks a little picturesque somebody has to tear it down.

Mr. LINTHICUM. May I answer the gentleman in another way? That is to say, with reference to our legation building in the city of Prague. We have an old building which was bought by Minister Crane in the city of Prague which is 300 years old, and it was contemplated by some gentlemen to sell that or trade it and build a new building; but Mr. Finley, Mr. Merrill, and I went over there and we have decided we will not build any new building at a cost of \$700,000, but we are going to fix up that old gem at a cost of \$200,000, including furnishings and everything, and it will be one of the landmarks of the city of Prague because it is old and it is artistic.

Mr. BLANTON. Will the gentleman yield further?

Mr. LINTHICUM. Certainly.

Mr. BLANTON. I do not know how true it is, but it has been reported in the press that every time the gentleman from Maryland [Mr. LINTHICUM] and the gentleman from Massachusetts—

The CHAIRMAN. The time of the gentleman from Maryland [Mr. LINTHICUM] has again expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the gentleman from Maryland [Mr. LINTHICUM] be allowed to proceed for five additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BLANTON. It has been said that every time the distinguished gentleman from Maryland [Mr. LINTHICUM] and the distinguished gentleman from Massachusetts [Mr. TINKHAM], who, with others present here, form the wet bloc, walk by the so-called Methodist Building, a new, magnificent building right across the park from the Capitol, the looks of that building gives them affront because, forsooth, Dr. Clarence True Wilson is connected with the prohibition movement, and that they are intending now to devise ways and means to tear that building down because it is connected in some distant way with prohibition. Is there any truth in that?

Mr. LINTHICUM. I admit it is too close to the Capitol.

Mr. BLANTON. What designs has the gentleman on that building?

Mr. LINTHICUM. I was raised in the Methodist Church, and I should leave it there, if I had my way.

Mr. BLANTON. Can the gentleman persuade his other wet coagulators to go along with him on that?

Mr. LINTHICUM. I do not think they are interested in that Methodist Building at all.

Mr. SABATH. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. SABATH. I desire to ask a question of the gentleman from Texas, whether he suspects that building may be moved to Rome and replace the building we have purchased? Is there any such impression in the gentleman's mind?

Mr. LINTHICUM. I do not think that will be done.

Mr. BLANTON. I was in hopes we might get rid of this tearing-down wave of extravagance that is going through the country at the present time, and which is originating here in the Nation's Capital in Washington.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. LINTHICUM. Certainly.

Mr. SCHAFER of Wisconsin. If the gentleman from Texas is desirous of getting rid of this wave of extravagance, he can do so by joining those of us who are going to vote against the appropriation of several million dollars for the enforcement of the unenforceable sumptuary prohibition law.

Mr. BLANTON. Will the gentleman from Maryland yield again?

Mr. LINTHICUM. Certainly.

Mr. BLANTON. Why is it the wet bloc is stalling, delaying, and killing time all the afternoon? Because, forsooth, they do not want to raise their so-called wet issue for fear the newspapers will not carry it to-day. They want a free day to-morrow, so that the newspapers will carry it for them.

Mr. LINTHICUM. I am not stalling.

Mr. BLANTON. The gentleman will admit he has been stalling all the afternoon?

Mr. LINTHICUM. I will not admit I have been stalling at all. I have been trying to give this House what I consider very valuable information. However, I do want to suggest to the gentleman from Texas that the gentleman from Wisconsin is right. That you can save \$2,000,000 by voting against this increased appropriation for prohibition.

Mr. BLANTON. At the expense of the loss of 200,000 lives per year, because that is what prohibition and the eighteenth amendment is saving to the people of the United States. You are measuring the 200,000 lives saved with the amount that is going to be knocked out of this bill under a point of order made by the gentleman from New York—\$50,000.

Mr. BOYLAN. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. BOYLAN. I am glad the gentleman called attention to the fact that this new embassy in Rome was opposite these hotels, because there will be a good chance for the guests there to be properly entertained, and not necessarily



with ice water, either; in fact, you would not have to have any underground connection, would you?

Mr. LINTHICUM. I think they would probably have service there so that it might not be necessary to go to the hotels.

Mr. BLANTON. If they are anything like the foreign embassies here in Washington, there would be plenty of drink there to satisfy the gentleman from New York.

Mr. BOYLAN. They are the kind of places I like to go to.

Mr. COCHRAN of Missouri. Mr. Chairman, I rise in opposition to the amendment, and I ask unanimous consent to proceed out of order.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed out of order. Is there objection?

There was no objection.

Mr. COCHRAN of Missouri. Mr. Chairman and members of the committee, I am opposed to the increase provided in this bill for the Prohibition Bureau. Refusing to appropriate money to care for those out of employment, hungry, and without proper shelter, how can you justify an additional amount for the enforcement of an unenforceable law? Much has been said in reference to prohibition not only from an enforcement standpoint but also in relation to its effect on the unemployment situation. No city in the country was so hard hit by prohibition in its effect upon unemployment as the city I have the honor in part to represent. St. Louis was the greatest brewing center in the world. The largest breweries the world has ever known were located there. There were more than 30 breweries in St. Louis, giving employment directly to more than 25,000 people in that city, not speaking of thousands throughout the world. The breweries were all closed temporarily, and these thousands lost their positions as a result of the prohibition law, and to-day only 3 out of the 30 are in operation—and only 1 is in successful operation. These brewing properties are almost wholly idle, and the men who were employed in them in many instances have been unable to find permanent employment in other lines. Many of them have been out of employment or employed irregularly for 11 years. Approximately \$200,000,000 worth of property in St. Louis was rendered useless, or practically useless, by this law. The one former brewery that has been rehabilitated is that of Anheuser-Busch (Inc.), but that has been done at terrific cost. Imagine, if you can, a single establishment, a manufacturing plant employing thousands, that would occupy all the space from the Lincoln Memorial to the Navy Yard, and from Pennsylvania Avenue to the Potomac River, being suddenly rendered idle by legislative enactment, without a single dollar's worth of business to sustain its operations. It occupied more than 100 manufacturing and business buildings and had more than 20 railroad tracks entering its yards. It had an enormous foreign trade, and its products were sold largely in every city in the world. It had its branches throughout Asia and the South Sea Islands.

The barley that was grown in Minnesota, North Dakota, Iowa, and Montana; the rice that was grown in Arkansas and Louisiana; and the hops that were grown in New York and on the Pacific Coast were brewed into nonintoxicating beverage and sold in great quantities in foreign, as well as domestic markets. The cooperage that was manufactured in Mississippi and other Southern States was used to ship these products abroad. When you put over prohibition you not only put 25,000 men directly out of employment in my city alone, but you threw thousands of coopers out of work in the cooperage factories throughout the country and many more thousands of timber cutters elsewhere, and you ruined the business of the hops, barley, and rice farmers of the United States. But in spite of what you did to one of the greatest industries, the president of the Busch Co. has required strict obedience to the prohibition law throughout all of his industries. More than that, he went to great expense to cooperate with the Government to bring about an equitable enforcement of the prohibition law, so that the

new industries he created might not be driven out of business by competition with bootleg liquors. Has prohibition stopped the drinking of beer in foreign countries? No. The Volstead Act merely opened a new avenue of trade for brewers of other countries who are now serving the trade formerly served by the Busch interests.

The gentleman from Michigan [Mr. HUDSON], in an address before the Woman's Christian Temperance Union in this city the other night, said that prohibition became necessary when public opinion revolted at the "immorality to the Nation" in operating Government with revenues from the liquor traffic. If the gentleman will look up the records, he will find that this country following the Revolution was to a large degree freed from debt by the passage of a tariff bill designed to raise revenue for that specific purpose. It was the first bill ever introduced in the American Congress, offered by Madison, who later became President. It was known as a bill to provide duties on imports for the purpose of raising revenue, and the first articles selected for taxation were wines, liquors, rum, beer, and everything that was used for the manufacture of such articles, such as sugar, molasses, and so forth.

I ask if public opinion revolted when the owners of the Busch Brewery from its founders to the present day gave so freely of their fortunes to worthy causes? When the President appealed to the Nation to assist the Red Cross a few days ago I read in the St. Louis papers where donations had been announced and among the first to subscribe was the Busch interests with a most liberal donation. This is typical of their actions in the past, never seeking publicity but are known as contributors to every worthy movement regardless of creed or color.

We read on the anniversary of prohibition where its sponsors say it has come to stay. First of all let me say it has never been here. The attempt to bring about enforcement has failed miserably. It has cost the Government billions in taxes not speaking of the amounts appropriated the past 10 years.

While we read of the claims of the prohibitionists we also read where that great organization the American Federation of Labor which has done so much for the working men and women of this country announces a campaign for the repeal of the Volstead Act; where the Sentinels of America, an eastern organization, likewise proposes to devote much of its time to the same purpose as well as for the repeal of the eighteenth amendment.

In my city we have an organization known as the Industrial Club of St. Louis, composed of the leading industrial and professional men of our city. Men who out of their own resources donate funds as well as their time for the advancement of the industrial and public interests.

Recently a new set of officials were installed. They have just sent to the President, to the Vice President, to the Speaker of this House, and to the Representatives and Senators from Missouri a copy of the resolution in which they urge an amendment to the Volstead Act that will legalize the manufacture and sale of nonintoxicating beverage not in violation of the eighteenth amendment.

They want the one-half of 1 per cent eliminated so that the great breweries of St. Louis can again resume operations and place thousands to work. They are abreast of the times. They know prohibition has failed and they know that business has been required to assume the burden of taxation formerly levied against a legitimate business. The resolution follows:

Whereas the articles of agreement of the Industrial Club of St. Louis recite that—

"This association is formed for the purpose of advancing industrial and public interests through an association of professional and business men and a free interchange of views," and

Whereas in the opinion of this club it is at all times, and particularly now, fully as important to assist industries already located here as it is to encourage new industries; and

Whereas prior to the passage of the Volstead Act the brewing of beer was not only a legitimate industry but was one of the most important in this city; providing, as it did, honest employment for our people; affording a market for the products of agriculture, mines, and factories; giving traffic to our railways;



producing revenue for our city, State, and Federal Governments; and supplying to those who wished it a pure beverage; and

Whereas the Supreme Court of the United States has decided that it is within the constitutional province and discretion of Congress to fix the alcoholic content of beverages; and

Whereas the Congress of the United States is now in session and by a few words can immediately so amend the Volstead Act as to once more legalize the manufacture and sale of non-intoxicating beer; and

Whereas in the present crisis of acute business depression with its attendant distress and suffering brought on our people through no fault of their own, this club by request has assumed the burden of finding employment; and

Whereas the worst part of winter is now upon us and human suffering, serious as it now is, will be greatly intensified unless employment can be found for many more than our present industries can possibly provide: Be it

*Resolved*, First. That it is the opinion of the Industrial Club of St. Louis that the President of the United States should immediately request Congress to so amend the Volstead Act as to permit the legitimate manufacture and sale of nonintoxicating beer and to place upon this beverage its just share of taxation, and he hereby is respectfully urged to make such recommendation.

Second. That a copy of this resolution be sent not only to the President but to the Vice President, the Speaker of the House of Representatives, and to the Senators and Members of the House of Representatives from the State of Missouri.

INDUSTRIAL CLUB OF ST. LOUIS,  
SAMUEL W. FORDYCE, *President*.  
C. B. ADAMS, *Secretary*.

Mr. Samuel W. Fordyce, the new president of the Industrial Club, is well known to many Members of this House, including the Speaker. He is a leading lawyer, a member of the law firm of Fordyce, Holliday & White. Mr. Fordyce a few days ago addressing a large body of women in St. Louis showed that prohibition had not lessened the use of intoxicating liquors but on the contrary since the adoption of the eighteenth amendment liquor had found its way into the homes where it had not been prior to that time. He spoke of millions who had violated the law in some form and of the thousands sent to the penitentiary.

He knows how acute the business depression is because he is a director in many large corporations. As a director of a great railroad system he knows the amount of revenue that railroad has lost since the enactment of the eighteenth amendment. He knows how the people have been deprived of their positions, and in fathering the resolution adopted by the club of which he is president he said it would alleviate the great distress among the unemployed. In a recent address he said in part:

Some say we should live up to a law while it is a law, but in my opinion that attitude has no solid foundation. Does its presence in the statutes make it right? I can not believe it does.

Prohibition is enforced, as war is waged, by lying propaganda, by stool pigeons and spies, by John Doe search warrants, by unlawful breaking into homes, by putting poison into spirits, that those who will not conform may drink and die.

The eighteenth amendment has made the United States the laughing stock of the world. It has given rise to gang warfare in cities and materially reduced the price one has to pay to get a man murdered. Its ramifications have facilitated vicious alliances between crime and politics, and have undermined the confidence of the people in public officials. It is unenforceable.

O ladies and gentlemen, sooner or later you must meet the conditions that exist in this country to-day. You have heard much about Arkansas. This morning's papers tells us it is a report from the Red Cross that poverty is driving out drought refugees who seek other fields rather than starve or freeze to death. "Mississippi reported the highways filled with men on the move." I quote from the report. Among those found crossing Kentucky was a man, his wife, and three little children with a child's express wagon pulled by a dog. Texas and Louisiana are likewise affected. In my own city an Associated Press dispatch in Saturday's paper says that the day previous a hunger march ended by riot. They marched on the city hall demanding food and work. Reports of our local charities show such organizations as the Provident Association and St. Vincent de Paul's Society spent more money in 1930 than in any time in their history, with the demands increasing, December being the leading month of the year in appeals for food, shelter, and clothing. The St. Louis Star, one of our large newspapers, has for weeks been collecting clothes and distributing them among the poor.

This is not the first march to the city hall, nor will it be the last unless something is done. Headlines in the St. Louis papers read, "Thirty thousand in need of aid in Missouri alone." They are not speaking of St. Louis, but of the people suffering in 27 Missouri counties of the drought area extending north to within 75 miles of St. Louis. The figures come from the Red Cross representatives. Despite the fact that our own people are in want, St. Louis is responding to the call of the President to help those in other localities, and I am sure will in the end raise its quota. Our citizens have never failed those in distress.

A consistent opponent of the expansion of Federal activities on paternalistic lines, the St. Louis Post-Dispatch, calls attention to the fact that heretofore little heed has been paid to the protests against the expenditures of public money in various fields under the guise of public welfare. Therefore this great paper does not understand the opposition of the President and his party supporters in Congress to any sort of Government action, either through loans to purchase food or direct distribution. In a lengthy editorial it goes into the question in detail and concludes with the following paragraph:

Shall we expend millions of Federal money to feed starving foreigners and begrudge a few millions to our own starving people? Shall we expend millions to raise the prices of agricultural products and to better agricultural conditions for farmers who have no products to sell, and who are actually starving now? That is tragic mockery.

If it is necessary to remain in session every night between now and March 4 this Congress should pass legislation that will take care of those in distress. We should remove the causes that are responsible for the hunger parades and riots.

The rich of this country are well able to bear an increase in taxes, and we should not hesitate to assess those who are best able to stand additional burdens. An increase of 5 per cent in the taxes of those earning \$50,000 annually or more, or an increase of 10 per cent on incomes of \$100,000 and over, would bring the Treasury hundreds of millions of dollars.

The Department of Commerce releases figures showing our exports declined \$1,399,000,000 in 1930. Exports for 1930 were lower than in any other year since 1922 and imports below those of any other year since 1921. Imports in 1930 were \$1,337,992,000 less than in 1929. The tariff law has destroyed our export business. A still further decrease is predicted for 1931. What are we to do with our surplus if we have no market in foreign countries? If we close our doors to the foreign merchant, how can we expect to sell our surplus abroad?

I received a resolution from the Cigar Makers Union of my city. They have had an 8-hour day since 1886. Twenty years ago they were a 90 per cent man trade. To-day they say it is practically reversed with seven great corporations using modern machinery controlling three-fourths of all the production in the cigar industry. They further complain these corporations have a 54-hour week for employees. They maintain that through the system of mergers, combinations, and consolidations of wealth in the control of a favored few, 50 per cent of the profits of every essential of life goes to great corporations. They insist that while capitalists of industry have solved the problem of production, no attention has been paid to the great problem of consuming what we produce, unemployment resulting.

The tariff law is contributing to the unemployment situation. It has destroyed our export business to a large extent. It was passed over the objection of the President, but still he approved it. If a mistake has been made, it should be admitted and the tariff revised.

Politics must be laid aside. Democrats and Republicans should join in enacting the necessary legislation that will bring a return to normal and end the suffering and distress.

MR. OLIVER of Alabama. Mr. Chairman, I move to strike out the last word. The gentleman from Maryland has spoken of the foreign service public building fund, and I thought you might be interested in some data relative thereto as the same appears in the hearings. I have not risen for the pur-



pose of directing criticism at the commission further than to say that I think they have made some mistakes. The gentleman from Maryland [Mr. LINTHICUM] calls attention to a notice appearing in some paper to the effect that the commission was spending public funds rather recklessly in purchasing old buildings. I think the commission did make a mistake in buying a home for the ambassador in the Argentine which will cost, with repairs and furnishings approximately \$1,400,000. If we would know what was the purpose of Congress in creating this commission and authorizing appropriations over a term of years for the purchase of sites for offices and residences, we should examine the acts passed by Congress prior to 1926 authorizing the purchase of sites and the construction of buildings thereon. In 1911 Congress passed an act giving authority for the purchase of sites, but they wisely put a limitation of \$150,000 on the amount to be expended for a site.

Sites were purchased at important capitals within that limit. Later, in 1922, when Congress passed another act carrying broad authority as to the purchase of sites, they wisely placed a limit of \$300,000 on sites for office and residence purposes and \$150,000 on sites to be used solely for the construction of residences thereon.

Take Tokyo; Congress bought at a reasonable price there. You are constructing on this site buildings and residences at a reasonable price, the entire cost for site and buildings thereon, both residences and offices, approximating \$1,250,000, yet in Argentina the commission purchased a residence only at a cost, with repairs, approximating \$1,400,000. This residence purchased for the ambassador will rise to vex the commission in the future. It is very costly to maintain a residence like that. Such a purchase was never contemplated by Congress, in my judgment, and certainly, when you look at the many acts passed by Congress prior to 1926 to purchase sites and construct buildings thereon, which acts are set out on pages 262 et sequente, you will find that Congress always fixed low limits of cost; and I respectfully submit that the commission should have looked to these acts in determining what was the real purpose and intention of Congress as to the amounts that should be expended on sites and for offices and residences thereon.

Mr. STAFFORD. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. STAFFORD. Will the gentleman kindly give the House the benefit of his consideration of this subject as to what has been the policy of the commission in determining the maximum amount that should be spent for a building such as, for instance, at Tokyo, where we are purchasing the site? I notice also in the hearings that we purchased a site for a diplomatic building at Lima, but there is nothing in the hearings to show whether there is any limit of cost on the building that is going to be constructed.

Mr. OLIVER of Alabama. I am glad the gentleman asked that question. The buildings at Tokyo are being constructed under direct authority from Congress and there is a limit on the cost, not only as to the site but also as to the office building and residences to be constructed on the site. In other words, the total cost of a splendid site in the capital of Japan, with adequate office buildings and a residence for the ambassador and quarters for some of his staff was about \$1,250,000. This was under a direct authorization by Congress and covers the cost not only of the site but the construction of all the buildings.

Mr. STAFFORD. Perhaps I am in error or maybe it is a typographical error in the printing of the act as found on page 262, referring to the construction of the building at Tokyo, approved June 30, 1914—

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

Mr. STAFFORD (reading):

Acquisition of embassy premises, Tokyo, Japan: For the construction of a building on ground now held by the Government of the United States at Tokyo, Japan, for the use of the embassy to

Japan, both as a residence of the diplomatic officers and for the offices of the embassy, and for furnishing the same, \$100,000.

Mr. OLIVER of Alabama. Is that for the site?

Mr. STAFFORD. This is for the construction of a building on the site now owned. The gentleman just said \$1,250,000.

Mr. OLIVER of Alabama. That must be a typographical error, because Congress has been carrying in the several appropriation bills since then funds for the construction of these buildings, and I think the building program will soon be completed. The total, as I recall, is about \$1,250,000; and, as I have stated, this provides offices as well as residences.

Mr. LINTHICUM. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. LINTHICUM. I want to say, first, with respect to Buenos Aires, that Argentina is quite a different country from any other country we have to deal with. Everything is done there on a very elaborate scale, and this building is considered one of the very finest in Buenos Aires. It is certainly located in the most beautiful section of that city, having parks in front and parks on the side, and is a building that stands out as an American Embassy.

Mr. OLIVER of Alabama. I can but feel, however, that in the light of all the acts of Congress down to the time when the act was passed creating the commission, showing how Congress had definitely announced its own judgment as to what should be spent in the purchase of sites for offices or residences—one or both—that the commission made a mistake in spending \$1,400,000 simply for a residence. You are now beginning the construction of an office building in the same city, on another site, at an estimated cost of \$750,000. I feel it would have been the part of wisdom to have carried out what seems to have been the declared intent of Congress, beginning with 1911 and running through the acts to which I have called attention.

I do not know whether the commission will consummate the purchase of the building in Berlin to which the gentleman from Maryland referred, but I very much doubt the wisdom of purchasing an old castle for \$1,800,000, since no one knows what the cost of putting it in repair will be. I understand if the purchase is made it will be used as an office building and as a residence for the minister.

Perhaps, the commission may have acted wisely in its purchase at Rome, but the price paid is large and not in keeping with the spirit of the acts passed by Congress as late as 1922, in reference to providing buildings for our Foreign Service.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. WAINWRIGHT. I am very much interested in what the gentleman has said. As I understand, in 1926, we passed an authorization of about \$10,000,000 for the purchase of embassy buildings and the like.

Mr. OLIVER of Alabama. Sites and buildings.

Mr. WAINWRIGHT. And it was intended or contemplated at that time that the \$10,000,000 would come pretty nearly supplying the needs of the Government in that respect. Now I am impressed with the fact that to-day when we have got almost to the end of that \$10,000,000, we have four or five embassies in the larger capitals of the world provided for at one and a half million dollars to two million dollars, and a few in South America, but we have not yet begun to approach the problem of providing legations in other parts of the world.

I am wondering whether there ought not to be some limitation upon the expenditure of these very large amounts, unless we have some very definite program for taking care of the entire needs of the Government in the various capitals of the world with respect to legations and embassies.

I understand that we are left with a very large program uncompleted.

Mr. OLIVER of Alabama. I do not want to detain the House, but if the gentleman will read the hearings he will find the same very informing.

I agree in the main with what the gentleman has said that it was the purpose of Congress to provide in many



countries homes and offices for our Foreign Service. The commission has made many good purchases and has constructed some buildings within very reasonable cost limits. However, as to some of the large purchases made, like in Argentina and the suggested purchase in Berlin, and the one which the gentleman from Maryland says has been made in Rome, I doubt whether the same were wise.

Mr. STAFFORD. Mr. Chairman, I ask for recognition in opposition to the pro forma amendment.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. STAFFORD. Mr. Chairman, during the general debate, and also during the discussion of the paragraph, I have given rapt attention to the expenditures for the construction of Government embassy buildings. I recall distinctly that when the original proposition was first debated in the House in 1911 the House in Committee of the Whole rejected the proposal, sponsored then by Representative Frank Lowden, later Governor of Illinois.

Subsequently the bill was amended so that no more than \$500,000—and this is in 1911—no more than \$500,000 could be expended in any one year, and no more than \$150,000 could be expended on one project. It was the fear of many Members of Congress that if the Government launched upon this policy we would go to an extravagant extreme in the expenditure of funds that would not typify and represent democratic America as to these proposed ambassadorial residences.

Within 20 years that fear has been shown to be realized. In four instances the Government has gone way beyond the line of propriety. The commission, I think, should be criticized when they go to the extreme in authorizing appropriations in one place of an amount as large as \$1,400,000; not only in one place but four places in foreign capitals they have gone to an extravagant limit.

The original purpose was to provide embassies in such places as Tokyo and consular quarters, at Shanghai, where no proper accommodations could be rented. I do not think it should be the policy of Congress to construct buildings for our ambassadors and ministers where they can find proper accommodations by rental, as in most South American countries.

But I do protest most vigorously against the encroachment on the original idea of Congress, thwarting the will of Congress by going to extremes in constructing embassy buildings abroad such as we are about to acquire at Rome.

We did accept the gift of John Pierpont Morgan, made eight years ago, for the American Embassy at London; we bought a very fine hotel in Paris; and now we are going ahead and buying extravagant properties in Rome and Buenos Aires.

I want to ask the chairman whether the commission is violating the mandate of Congress that not more than \$150,000 shall be expended in a foreign capital?

Mr. TEMPLE. That law has been repealed.

Mr. STAFFORD. Then there is no limit. I think it is high time, if there is no limit, that a limit should be prescribed by law whereby the commission can not go to the extreme upon their own ipse dixit to determine the extent of the grounds and the character of the building and the amount of funds that may be used for such purposes. I protest most strongly against the practice of buying these magnificent residences as proper housing accommodations for our diplomatic representatives abroad. Where can be found the man in medium circumstances who has the attainments to properly represent this country if there has been arranged for him in advance a home the upkeep of which will be beyond his own exchequer?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. That policy should not be encouraged by the American Congress. It is foreign to our ideals. We

should not display to foreigners, who look upon the United States as the home of democracy, an embassy building that does not reflect the democratic spirit, but that does reflect an aristocratic spirit, the plutocratic, the commercial spirit upon which is placed the dollar mark of the modern-day, capitalistic system. I am sincere in my protest. How many here would be able to represent this Government in foreign capitals, who because of their restricted income would not feel they could accept the post if offered them, because the Government has appropriated for and provided in advance a mansion which would require a retinue of servants that would cost many thousands of dollars a year in upkeep. Mr. John W. Davis during his services as ambassador at London, it has been stated, had to expend over \$150,000 out of his own pocket to meet the requirements of that post; and now you are establishing a standard by your extravagant appropriations where you and I and others, if offered a foreign post could not accept it, because the standard fixed by the proportions of the Government building is so high that we could not meet the ordinary expenses to maintain it. Is that the proper standard for American democracy? I say no.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. SABATH. Is it not a fact that in 1907, as well as in 1909 and 1911, similar statements to those just uttered by the gentleman were made and fears were expressed by the Members of the House that a man of limited means would be precluded from ever accepting the office of ambassador to a foreign government?

Mr. STAFFORD. If I may be pardoned a personal reference, it happened that it was my privilege to be in the chair presiding over the Committee of the Whole when the matter was first proposed. The committee overwhelmingly struck out the enacting clause for the reason referred to by the gentleman from Illinois.

Mr. OLIVER of Alabama. And not only is that purpose carried forward in the act of 1922, but the gentleman will remember that when the Congress was offered a home for the Vice President on Sixteenth Street, Mr. Coolidge, who at that time was Vice President, stated he would not occupy it, even if accepted, because it would be too expensive to keep up.

Mr. STAFFORD. Not only that, but during the early years of first administration of President Roosevelt it was proposed to raze the White House and construct in lieu a magnificent building to meet modern ideas. President Roosevelt protested against such a course, because he said it would remove all of the historic associations connected with the White House, and he wanted the White House to be retained to represent the democratic simplicity of America. Now, in this policy, by reason of the commission's elaborate ideas, we are departing entirely from the true concept of what should be the type of home to house our ambassadors abroad.

Mr. COLE. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. COLE. May I submit the observation that, by providing residences in countries like Argentina, we are going to make it possible for a man of limited means to accept an ambassadorship. Under the conditions that have existed, where the ambassador has had to pay for his own rent, only a rich man could represent the country.

Mr. STAFFORD. And the gentleman from Iowa, in order to carry out that idea, and to have him properly represent his democratic district, I suppose should live in some fine mansion here on Sixteenth Street or some other place where it would require much money to keep up. I advise the gentleman that the support of the servants comes out of the personal funds of the ambassador. By that policy, you are making only the wealthy the political inheritors of these foreign posts.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. TEMPLE. Mr. Chairman and gentlemen of the committee, it was the policy of Congress a number of years ago



to limit expenditures for an embassy, legation, or consular building at any one post to \$150,000. That I think was in the act which was passed about 1911 or 1912. When the act now in force was passed, the preceding act was repealed, and I believe the commission took the repeal as an indication that the old, mistaken policy was no longer to be followed. I am firmly convinced by my own knowledge of the facts that in many of the capitals, the former policy, which was intended to encourage democratic simplicity, exactly the contrary was the effect. We had made it impossible for a man of limited means to accept an appointment. More than one Ambassador paid more than his whole salary for house rent. I know of one case where the house rent was \$20,000, and of course the salary as we all know is \$17,500. If we look at the embassy buildings in the city of Washington we know something of what the embassy buildings are in the other great capitals of the world, and may realize what the Government of the United States has to meet if it is to compare favorably with other powers. It does seem to me that it is wise for the people of the richest nation on earth to house their official representatives as well as the official representatives of other nations are housed and to make office buildings as convenient and as complete as other such structures, and we should provide residences where the representatives of our Government may entertain as they are entertained.

A great deal of the work of the embassies, getting acquainted with the sentiments of the country, forming personal acquaintances among leading men, is done outside of the office building and outside of hours of business.

When a traveling man goes out to sell goods for a wholesale firm he attempts to make contacts with his customers and cultivate acquaintance with them outside of their business hours and outside of their offices, and he becomes a more efficient ambassador of commerce when he does so. The Government of the United States has not limited the cost of buildings which the commission may construct, and, on the other hand, the commission has not obligated the Government of the United States for anything more than has already been authorized. The appropriations up to date are less than \$7,000,000. The appropriation that is carried in this bill, \$1,200,000, if it is passed, will make about \$8,000,000, leaving a margin of about \$2,000,000 of the amount authorized by the act of 1926.

The more expensive places have now been provided for. For some of the smaller places tentative plans have been made.

I have introduced, and the Committee on Foreign Affairs reported to-day, a bill that I hope will be brought before this House and the Senate and become a law this year. We are asking for an authorization of \$10,000,000 more and the second \$10,000,000 will provide for a much greater number of buildings than the first \$10,000,000, for the reason that the more expensive places have been taken care of first. The more expensive places and some places where living conditions are not healthful are already provided for. But, if it is necessary in this country to put up post-office buildings in thousands of cities in order to save rental, it is the same kind of business proposition to put up office buildings and residences in foreign cities wherever they are needed.

Wherever the United States Government has to be represented, we ought to consider whether it is wiser to rent or to buy and own our own buildings.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. TEMPLE. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Without objection it is so ordered.

There was no objection.

Mr. TEMPLE. I am thoroughly convinced that the commission of which I became a member very recently, has made wise and economic expenditures. I hope the House of Representatives and Senate and the President will agree with that thought.

Mr. COLE. Will the gentleman yield?

Mr. TEMPLE. I yield.

Mr. COLE. The chairman of the commission may be too modest, so I want to call attention to the fact that in the city of Buenos Aires, where we were figuring on a site, the German Government did not hesitate to come in and pay \$100 a square foot for the ground. We did not want to spend so much, and we finally succeeded in getting a piece of land for I think \$65 a square foot. It shows that we are very modest compared with Germany, and Germany is down and out.

Mr. TEMPLE. That is less per square foot than land sells for in this city at the present time?

Mr. McCORMACK of Massachusetts. Will the gentleman yield?

Mr. TEMPLE. I yield.

Mr. McCORMACK of Massachusetts. If \$150,000 was the maximum provision in 1912, it seems to me the maximum should be much larger in 1930, in view of the increase in the cost of construction.

Mr. TEMPLE. I am thankful to the gentleman for that suggestion.

Mr. LINTHICUM. While we had that limit we could not proceed. We could not do anything.

Mr. TEMPLE. One hundred and fifty thousand dollars would not touch it. Would it be possible to buy a site and put up a building for \$150,000 in the city of Washington? It would not touch it.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. TEMPLE] has again expired.

Mr. WAINWRIGHT. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania be allowed to proceed for one additional minute.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. TEMPLE. I yield.

Mr. WAINWRIGHT. I desire to say that having listened very intently to what the gentleman has said, I must say, for one, having had some doubts on this subject, that I am very much impressed and very much convinced by the statement which the gentleman has made.

Mr. SHREVE. Mr. Chairman, the committee is anxious to get along with this bill so far as possible, and we hope to finish it to-night. I ask unanimous consent that all debate on this paragraph and all amendments thereto shall close in five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania [Mr. SHREVE]?

There was no objection.

Mr. O'CONNOR of Oklahoma. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, my only purpose in speaking at this time is so that a wrong impression may not be carried to the country on this matter.

There is much more involved than the mere building of space for a roll-top desk and an Army cot for some employee of the Government. The foreign embassy represents America, and my idea and conception of a democracy is that we do not have to be cheap. This is not a cheap country. We should, as a great wealthy country, make our contribution in our generation to the great monuments of art and architecture such as have been given to the world in ages past. No site in any great world capital is too good for the greatest democracy in the world to occupy. [Applause.] No building that an artist can conceive or that an architect can draw is too noble and too inspiring to house the activities of this country in any great capital of the world. Millions will see our building who will never see our country. It should represent us and inspire them. This is no occasion to be cheap and see how you can handicap and hinder this great enterprise. This is not a matter in which the judgment of this House, admitting it is good on everything else, can be as good as the commission which has made a study and is on the ground. I am in favor of a liberal policy in



this matter and if the distinguished chairman's bill comes out I am going to support it. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, I simply want to call the attention of my colleague from Wisconsin [Mr. STAFFORD] to the fact that, if I remember the history of the policy of establishing our own buildings and providing residence for our diplomatic representatives, it was to make career men possible in the Diplomatic Service and get such men in these offices regardless of their individual wealth.

Mr. O'CONNOR of Oklahoma. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. O'CONNOR of Oklahoma. It was to get away from the policy that you had to be rich and ignorant to represent the United States Government abroad.

Mr. LAGUARDIA. In some instances, of course, we had good men and in other instances we simply had rich men. If this policy accomplished anything, it accomplished one thing—that as far as living quarters were concerned we removed entirely the biggest element of cost, that of rent.

Mr. MONTAGUE. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. MONTAGUE. Take these buildings, these very attractive buildings, these very enormous buildings; does the gentleman think that any ordinary educated and cultivated American could keep them up even if we gave them to him free? I agree with the gentleman that we should have these appropriate places abroad, but I believe we should pay our ministers more money because nobody but a rich man can now represent this country abroad, and I do not want to see a democracy represented abroad only by a plutocracy.

Mr. LAGUARDIA. I am in sympathy with that, but when you take into consideration the consulate in a city, the embassy, and also the residence of the ambassador you must have rather large buildings, and I am sure the gentleman does not object to the embellishment of these buildings to a small degree so that we may have something for which we need not apologize.

Let me give you my own personal experience, and I do not want to see any young man in the same situation. I was sent out to a port 26 years ago to represent this Republic as consul. They gave me a seal, a flag, and a flagpole; and when I got there I found they provided no office. I had to write shorthand and typewrite for the British consul in order to get my rent, while representing the United States at Fiume in 1904. I submit that is a rather humiliating position for the representative of a great Republic, or democracy, if you please, to be in, to write shorthand and typewrite for another consul in order to get his rent; yet that is what I had to do 26 years ago when I was an American consular agent in Fiume. I am very glad the Consular Service is not in any such condition now and that we now provide an office, proper pay, and retirement for our representatives abroad. [Applause.]

The pro forma amendment was withdrawn.

The Clerk read as follows:

For financing the liability of the United States, created by the act entitled "An act for the reorganization and improvement of the Foreign Service of the United States, and for other purposes," approved May 24, 1924 (U. S. C., title 22, sec. 21), as amended by the act of July 3, 1926 (U. S. C., Supp. III, title 22, sec. 21), \$215,000, which amount shall be placed to the credit of the "Foreign Service retirement and disability fund."

Mr. SHREVE. Mr. Chairman, I ask unanimous consent to pass over the next item and take it up later on. I refer to the item for representation allowances.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to pass over the paragraph on page 14, from lines 12 to 15, inclusive. Is there objection?

Mr. DYER. Mr. Chairman, reserving the right to object, I would like to ask a question of the gentleman from Pennsylvania, who is in charge of the bill. We passed over a paragraph—

Mr. SHREVE. Yes; we passed over another section and we desire to pass over this section for the reason that there are some gentlemen absent who would like to discuss this matter, and we desire to accommodate them.

Mr. DYER. When will we take those up?

Mr. SHREVE. Very soon. Everybody will have an opportunity to discuss them.

Mr. DYER. Will the gentleman take them up to-day or to-morrow?

Mr. SHREVE. It is hardly probable we will take them up to-day.

Mr. DYER. I do not think it is fair to pass over a paragraph because some gentleman is not here, and then when you do take it up others will not be here.

Mr. SHREVE. I will promise the gentleman it will not be taken up this afternoon.

The CHAIRMAN. Is there objection?

Mr. LINTHICUM. Mr. Chairman, reserving the right to object, is there not some way by which we could go ahead with this bill to-morrow and postpone Calendar Wednesday, the Calendar Wednesday business to be taken up on Thursday?

Mr. SHREVE. That would be entirely satisfactory to the committee, but the committee having Calendar Wednesday would object very seriously to the cancellation of their day.

Mr. LINTHICUM. We have been waiting on those items since last Thursday, and pretty nearly a week has passed by.

Mr. SHREVE. That is not our fault, because we are willing to take it up this afternoon.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

For rent, heat, fuel, and light for the Foreign Service and the United States Court for China for offices and grounds, including annual ground rent of the embassy at Tokyo, Japan, for the year ending March 15, 1932, and, as authorized by the act approved June 26, 1930 (46 Stat. 818), for living quarters and for allowances for living quarters, including heat, fuel, and light, \$1,567,332: *Provided*, That payment for rent may be made in advance: *Provided further*, That the Secretary of State may enter into leases for such offices, grounds, and living quarters for periods not exceeding 10 years.

Mr. CLANCY. Mr. Chairman, I move to strike out the last word. In 1913 Germany was spending more money in New York City alone for foreign trade than the United States was spending all over the world in developing foreign trade. In 1913 the United States first saw the value of foreign trade in bringing about prosperity to its industries and to the producers of its raw material. The Great War came on in 1914 and we took a very large share of the world trade as a result. It ran as high as \$10,000,000,000 per year—did our world trade—and greatly increased our prosperity.

A great deal of our hard times in this country is due to the fact that the nations of the world are not trading with us as before and that many of them are hostile to us. In the automobile industry, for instance, which is the largest industry in the United States, and one of the basic industries, two days out of every week for each man are given to the production of cars for our foreign trade. We were selling 20 per cent of our product abroad. In that connection I wish to say that we can spend millions of dollars in developing a good commercial and diplomatic service abroad; we can give this retirement and disability fund to the men we have abroad; we can pay them good salaries and living conditions and we can put them in very expensive buildings, but unless we respect the rights and customs and privileges of the foreign peoples of the world we will not have their good will; and if they can trade with somebody else they are going to do it.

Last June we had under consideration a border patrol bill, which would have made Canada more bitter against the United States than she is. I insisted then that that bill contained a new crime and that it meant the cruel embarrassment of small boats and other boats and some 11,000,000 citizens who passed the Canadian border and some 7,000,000 on the Mexican border. I explained it was a very bad bill and that we had not had adequate hearings on it in the House.

I am very happy to inform you that because of that alarm the Senate did have adequate hearings on the bill. I am also very happy to inform you that although I do not wish



to prejudge the action of the Senate, I do not think the Senate is going to report out that bill as it passed the House, or consider it on the floor of the Senate at this session. There was a great deal of confusion in the minds of the experts of the various departments involved as to what the bill meant. Some experts of the Labor Department and the Treasury Department would say one thing and then other experts would say another, but the Senators finally did worm out of them that they intended to put over the House bill just as rapidly as they could and with just as little consideration as possible, and that the bill did make a new crime not only for American citizens but for Canadian citizens, 10,000,000 of whom are on our border, and who have had some privileges and immunities when they lived on the border of the United States. Particularly, Frank J. Murphy, assistant general counsel of the Customs Bureau, did admit under the cross-questioning of Senator VANDENBERG that in spite of all the assurances the Treasury Department had made to us in the House that the small boats on that Canadian border from Ogdensburg to Duluth, some 1,500 miles, involving the travel of millions of people, would be dealt with so as to embarrass American citizens, and necessarily Canadian citizens also. I am happy to state I believe the vicious provisions of the border patrol bill will be killed.

Now, you can spend millions of dollars to get the good will of the world, but when you call all the peoples of the world aliens and scum and garbage and riffraff, and when you put over these bigoted, fanatical, hypocritical laws on ourselves and reflect on foreigners you are not going to acquire their good will. If they can deal with a country that will treat them as equals and not as inferiors, and as right-living human beings, then they are going to trade with that country instead of with us.

A different era is coming soon in this country. I am sure we will have a different situation when the new Congress comes in March 4. Especially when we get a new Congress in 1932 we will then seek to abolish all this un-American, anti-American spirit which we are evincing in our legislation. We will then be able to look the world in the face without shame. The real aliens in this country are the people who are fighting our American philosophy of human rights, of inalienable rights, and of personal liberty as put in the Declaration of Independence and the Constitution of the United States. These aliens are trying to establish an un-American, anti-American, ecclesiastical tyranny. All real Americans will finally enlist in the crusade against these native-born aliens once they understand the keystone of our institutions and Government is being attacked by "borers from within."

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SHREVE. Mr. Chairman, speaking about prohibition, I want to say to the membership of the committee that they need not be as disturbed about the prohibition item coming up, because it will be impossible for us to reach it before Thursday. So they can all go home to-night feeling that the provision will not be reached until some time Thursday.

Mr. DYER. Will not the gentleman commend to the members of the committee the diligent reading of the report of the Wickersham Commission and have them try to explain, if they can, to themselves or to their constituents or to the House just what the members of the commission desire to advise the House and whether they are wet or dry or part wet and part dry?

Mr. LAGUARDIA. Individually, they are wet; collectively, they are dry.

Mr. DYER. They all sign the report indorsing the eighteenth amendment and then they sign individual reports repudiating their consolidated report.

Mr. CELLER. Mr. Chairman, I move to strike out the last word, and ask unanimous consent to speak out of order.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed out of order. Is there objection?

Mr. HUDSON. Mr. Chairman, I object.

Mr. LINTHICUM. Mr. Chairman, I offer an amendment. The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LINTHICUM: Page 14, line 23, strike out "\$1,567,332" and insert "\$1,807,332."

Mr. LINTHICUM. Mr. Chairman, ladies and gentlemen of the committee, last year, on the 26th of June, we passed an act granting allowances for rent, heat, and light to the members of the Foreign Service, and also to those of the Department of Commerce, Treasury Department, the Agricultural Department, and the Department of Labor. The law prescribed that rules and regulations should be promulgated by the respective departments and that they should be approved by the President.

When I was abroad and asked certain gentlemen who are clerks in various offices, some of whom are deputy consuls in full charge of offices in small towns, I was much surprised to find that they had not gotten any part of this allowance. I had favored it particularly because I thought these young men who get small salaries should receive some allowance for rent, heat, and light. However, I found the money had been given to the career men and that the rules and regulations prescribed included only those gentlemen who are in the career service.

I have therefore introduced this amendment to increase the appropriation so we can have something for the men who are getting very meager salaries, indeed.

For instance, you can not get one of these clerical positions in the Foreign Service if you are married, because they do not get enough money to support themselves and a wife. Therefore they are precluded from entering the service if they are married men. This does not seem to me to be quite fair. If the men getting the larger salaries are to get an allowance for these purposes, why should not the other men get it? In addition to this, why should the clerks who are in the Treasury Department, in the Department of Labor, and the Department of Agriculture, serving abroad, get an allowance for rent, heat, and light, when the clerks in the Foreign Service of the State Department do not get it?

I had an estimate made and it would require \$480,000 to give each of these men an allowance for rent, heat, and light. I have cut that in half and made it \$240,000, which would be an increase on the appropriation of \$1,567,332—would increase it \$240,000.

If you will do that, you can give these young men in the service an allowance for that purpose of \$307 each. It seems to me that it is only fair and just to these men, especially when the Treasury Department, the Department of Labor, and the Department of Commerce all receive these allowances. These are the young men who attend to the visas and the passports and take charge of the office very often when the career man is absent. I am only asking what is fair and just in this instance, and I think the committee ought to do it. I have cut the allowance, as I say, in half. The department estimates that it will take \$480,000 and I have cut it in half and made it \$240,000.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. I yield.

Mr. STAFFORD. How much would be the allowance for each clerk?

Mr. LINTHICUM. The State Department says that if we allowed each man on the same basis as the career men are allowed it would be \$615, but I have cut this in half.

Mr. STAFFORD. So that it increases the salary of each of these men about \$300?

Mr. LINTHICUM. Exactly. If these other men in these other departments are entitled to it these men of the Foreign Service are entitled to it, and gracious knows their salaries are low enough. There would be about 780 employees to be provided for.

The bill making appropriations for the Departments of State and Justice and for the Judiciary, and for the De-



partments of Commerce and Labor contains the following provisions for rent, heat, and light of living quarters:

Department of State—provision for officers of the Foreign Service only	\$664,000
Department of Commerce—provisions for officers only	210,000
Department of Labor—provision for officers and clerks	70,000

The bill providing appropriations for the Treasury and Post Office Departments contains the following:

Treasury Department—provision for officers and clerks	\$79,200
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The bill making appropriations for the Department of Agriculture contains the following:

Department of Agriculture—provision for officers and clerks	\$55,000
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Mr. SHREVE. Mr. Chairman, the committee considered this subject, and went over it very carefully. It is a new item; we have not been carrying a provision for rent, heat, and light. There is no estimate that came to us from the Bureau of the Budget, and no recommendation from the department covering these items. We felt that we were not justified in making an appropriation for this purpose. Some time it might be all right but under our economy program we felt that we were going as far as we could in the recommendations in the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland.

Mr. HUDSON. Mr. Chairman, I ask unanimous consent that the amendment may be read again.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the amendment be again reported.

Mr. CELLER. I object to the reading of the amendment.

Mr. STAFFORD. Mr. Chairman, I ask for recognition.

Mr. Chairman, when this act was under consideration in the present Congress there was some thought that we might be going pretty far in authorizing rent, fuel, and light to our diplomatic officers abroad, but the case was cited that the Department of Commerce had the same allowance and that it should be extended to officers in the Foreign Service.

The basis for the allowance was that the cost of living and rents differed in the respective places throughout the world. It was the idea of the State Department also and that of the Commerce Department to try and equalize their salaries by providing an allowance for rent. In some instances that meant a substantial increase in salary. The modus operandi of the State Department is to fix the salary according to the work performed by the official and then, if conditions warrant, where living conditions are exceptional, to fix an amount for rent, heat, and light.

Now it is the purpose to provide, not in those instances where there is disparity in rent, but to adopt the wholesale policy of increasing the salary, so that every clerk, whether he maintains a home or not, would get this increase. I understand how the gentleman from Baltimore is besieged by constituents who have friends abroad and who want to increase their salaries, and by reason of his living so near the Capital is constantly importuned.

But, I say to him, to rashly increase this amount \$300,000 will get nowhere. It only means that you will increase further, if the State Department so wishes, the present allowances; and I think this haphazard style of legislating, even though it comes from the ranking Democratic member of the Committee on Foreign Affairs, should be rejected. It is not in harmony with Democratic economy or Democratic scientific government.

Mr. CELLER. Mr. Chairman, I move to strike out the last two words. During the deliberations of the Continental Congress, the story is told that Ben Harrison met Thomas Jefferson and invited him into an inn near by to imbibe something refreshing. Thomas Jefferson said to the person in charge, "What are those gentlemen from Maine over there drinking?" He was told that they were drinking molasses and water. Then Harrison said, "What do you charge that up to?" and the reply was, "We charge up against their account as stationery." Jefferson then said, "Let us have some brandy and water, and charge that up to fuel."

I notice this section reads, "For rent, heat, and fuel," and on the authority of Thomas Jefferson I think I am quite in order in dilating on the Wickersham report, since it involves liquor, which is "fuel."

Mr. HUDSON. Mr. Chairman, I rise to a point of order. The gentleman is not speaking to the amendment.

The CHAIRMAN. The gentleman from New York knows the rules of the House, and he must proceed in order.

Mr. CELLER. Mr. Chairman, the Foreign Service as we know, whether the representatives be accredited from this country or to this country, undoubtedly use liquor and wines, and all of the delectable refreshments that are to be found under the category of wines and liquors. Mr. Chairman, I believe I am quite in order on this question of Foreign Service in devoting some time to a very important report which was handed down to-day and submitted with a communication to this august body.

Mr. HUDSON. Mr. Chairman, I rise to a point of order.

Mr. CELLER. If the gentleman from Michigan does not realize that the handwriting is on the wall—

Mr. HUDSON. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HUDSON. The gentleman from New York is not speaking to the amendment.

The CHAIRMAN. The gentleman from New York must keep within the rules of the House.

Mr. CELLER. If the gentleman from Michigan still persists in failing to see the handwriting on the wall, which caused him some trouble in his own State last fall, I shall desist.

The CHAIRMAN. The pro forma amendment will be withdrawn, and the question is on the amendment offered by the gentleman from Maryland [Mr. LINTHICUM].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For expenses of meeting the obligations of the United States under the treaties of 1884, 1889, 1905, and 1906 between the United States and Mexico, including rent, purchase, maintenance, and operation of motor-propelled vehicles, installation, maintenance, and operation of gaging stations where necessary and their equipment, and so much of the amount herein appropriated as may be necessary for these purposes may be transferred by the Secretary of State to the United States Geological Survey for direct expenditure, \$71,060.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word and inquire whether any progress is being made by this commission for which we are appropriating annually a considerable amount. Last year I rose and criticized the work of the commission because no progress was being made toward the ultimate consummation of their work.

Mr. SHREVE. Mr. Chairman, I am very glad that the gentleman has raised that question, because the conditions of which he complains did exist a few years ago. But that is not so now. The commissioners now are very active, and not long ago, within two years, I was on the border, and the presidente of that Province just across from El Paso told me that they were very anxious to arrive at an agreement. Both sides are getting along in fine shape, and they are nearly up to the time now when the Governments will have to accept the report of the commission or turn it down. The work is progressing in fine shape.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

For the contribution of the United States toward the maintenance of the Bureau of the Interparliamentary Union for the promotion of international arbitration, \$6,000.

Mr. MONTAGUE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. MONTAGUE: Page 18, line 18, strike out the figures "\$6,000" and insert in lieu thereof "\$10,000" and add the following paragraph:

"American group of the Interparliamentary Union: Toward the expenses of the American group of the Interparliamentary Union, including traveling expenses, subsistence or per diem in lieu of subsistence, notwithstanding the provisions of any other act, compensation for stenographic and other clerical services, printing



and binding, and other necessary expenses, fiscal year 1932, \$10,000, to be disbursed on vouchers approved by the president and executive secretary of the American group; and any unexpended balance in the appropriation for this purpose contained in the second deficiency act approved July 3, 1930, is hereby made available until June 30, 1932."

Mr. MONTAGUE. Mr. Chairman, this amendment is the exact language carried last year in the deficiency appropriation bill, June 3, 1930. I admit there is no legal authorization for this amendment. There was a legal authorization last year, but it is only for one year. I am advised correctly that the Foreign Affairs Committee this morning reported a bill making legal an authorization that covers the amendment I have just offered.

If we wish to get through by the 4th of March, I think we should get as many matters behind us as we can. I know something of the work of this bureau. I had the honor of succeeding Mr. Burton as president of the Interparliamentary Union, and I have given to it a great deal of attention and thought. The Interparliamentary Union is about the greatest peace society in the world, speaking in general terms. Last year we had 32 nations represented in one parliamentary conference in London. We have had as high as 42 nations present. The coming conference will be at Bucharest, in Rumania, next October. Last year was the first time that any money was appropriated to pay any portion of the expenses of the delegates who attend that conference. It was limited, I believe, to about \$700 a delegate, which did not begin to pay their expenses.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. MONTAGUE. I yield.

Mr. CHINDBLOM. They have done it before.

Mr. MONTAGUE. What year was that?

Mr. CHINDBLOM. Well, it was at least the year before.

Mr. MONTAGUE. Well, I can not recall but once.

Mr. SHREVE. Will the gentleman yield?

Mr. MONTAGUE. Yes; with pleasure.

Mr. SHREVE. Mr. Chairman, the committee feels very friendly toward the proposition of the distinguished gentleman from Virginia and will not oppose the amendment offered by him.

Mr. MONTAGUE. I gratefully acknowledge the consideration of the chairman.

Mr. SABATH. Will the gentleman yield?

Mr. MONTAGUE. I yield.

Mr. SABATH. Will the additional \$4,000 suffice for the needs of the delegates?

Mr. MONTAGUE. That sum does not cover the delegates. The additional \$4,000 covers the difference in the sum carried in this bill and the sum appropriated heretofore to the Interparliamentary Bureau. We have been given \$6,000 for many years, but recently England has gone up in her contribution; France has gone up; nearly every nation has increased their contributions. France has even exceeded the United States, and we felt that perhaps it was not wise for our Nation to lag behind in its contribution.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia [Mr. MONTAGUE].

The amendment was agreed to.

Mr. WATSON. Mr. Chairman, I move to strike out the last word. I endeavored to be recognized on the previous paragraph, but the Clerk read so fast I could not be recognized. I therefore ask that I be recognized on the previous paragraph.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. WATSON] wish to speak on the previous paragraph?

Mr. WATSON. I wish to ask two or three questions.

The CHAIRMAN. The gentleman is recognized.

Mr. WATSON. I notice that \$2,000 is appropriated for the International Bureau of the Permanent Court of Arbitration.

Mr. SHREVE. Yes, sir.

Mr. WATSON. Has the gentleman any idea what the appropriations are for the Permanent Court of Arbitration?

Mr. SHREVE. That is a treaty obligation that must be carried out. The money is appropriated for the Interna-

tional Bureau of the Permanent Court of Arbitration and the estimate was submitted by the Bureau of the Budget, \$2,000.

Mr. WATSON. That is only for the International Bureau of the Permanent Court?

Mr. SHREVE. Well, that is all there is.

Mr. WATSON. But has the gentleman any idea how much it costs the United States to maintain the Permanent Court of Arbitration?

Mr. SHREVE. The contribution of the United States for the maintenance of the bureau is \$2,000.

Mr. WATSON. We have had five cases before the Permanent Court of Arbitration since 1902. It must cost us more than \$2,000 a year to maintain the court.

Mr. SHREVE. That is all the money that has been appropriated.

Mr. WATSON. How is the court maintained, then? We could not go before a court with several justices and bring our cases there and have that court maintained at a contribution of \$2,000 a year.

Mr. SHREVE. The other Governments make contributions. The Netherlands Government is one of the Governments interested. The payment is made by the American minister to the Netherlands Government. The Netherlands Government is the collecting agent.

Mr. WATSON. Do I understand that for the five cases which we have had before the International Court of Arbitration it has only cost \$2,000 a year to maintain the court?

Mr. SHREVE. That is what it costs us.

Mr. BACON. Will the gentleman yield?

Mr. WATSON. I yield.

Mr. BACON. Mr. Carr testified that the quotas vary from year to year according to the amount of work before the court. The total amount for the year is ascertained, and the Netherlands Government calls upon the signatory governments to pay in their proper contributions. We have been called upon to pay \$2,000 for the coming fiscal year. That includes everything we pay toward the International Court of Arbitration.

Mr. WATSON. Then it is a very moderate sum for the United States to pay to have all of the cases arbitrated for \$2,000 a year.

Mr. BACON. This is the only item which refers to that in this bill. It could not be paid from any other appropriation. Of course, the gentleman understands that when we have cases we pay our share of that case.

The pro forma amendment was withdrawn.

The Clerk read down to and including line 10 on page 19.

Mr. SHREVE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAMSEYER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 16110) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1932, and for other purposes, had directed him to report that that committee had come to no resolution thereon.

#### CONFERENCE REPORT—TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. Wood], chairman of the Committee on Appropriations, may have until midnight to-night to file for printing under the rule a conference report on the bill (H. R. 14246) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1932, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. CRAMTON]?

Mr. GARNER. Reserving the right to object, and I do not intend to object, is it contemplated to call up the conference report to-morrow?



Mr. CRAMTON. I do not know that I am in a position to speak for the gentleman from Indiana [Mr. Wood]. The gentleman expected to be here, and I simply came in to make the request in the event the House was about to adjourn.

Mr. STAFFORD. Is it a complete report?

Mr. TILSON. The gentleman is aware that to-morrow is Calendar Wednesday. It could not be taken up without setting aside Calendar Wednesday proceedings.

Mr. GARNER. Will it be called up on Thursday?

Mr. CRAMTON. I am not a member of the subcommittee handling the matter and I do not feel justified in making that statement.

Mr. GARNER. Is it a complete report?

Mr. CRAMTON. I do not think it is, although I can not speak definitely. I just came in to make this request.

The SPEAKER. Is there objection?

There was no objection.

#### ADJUSTED-SERVICE CERTIFICATES

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article prepared by the gentleman from Nebraska [Mr. Howard].

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD by inserting an article prepared by the gentleman from Nebraska [Mr. Howard]. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, on what subject?

Mr. PATMAN. On the subject of paying the adjusted-service certificates in cash now.

The SPEAKER. Is there objection?

There was no objection.

Mr. PATMAN. Mr. Speaker, the following article was prepared by my colleague, Hon. EDGAR HOWARD, of Nebraska, for his paper, the Daily Telegram, Columbus, Nebr., on the question of paying the adjusted-service certificates in cash, and incidentally recites some interesting sidelights on the gag rule that has been adopted to smother the bill in the committee:

#### A MYSTERIOUS DISAPPEARANCE

The Mellonite leaders have become desperate in their effort to defeat consideration of legislation calling for payment of the adjusted-service certificates of the World War veterans in cash. One particular bill to that good end is known as the Patman bill. It is in the hands of the Ways and Means Committee of the House. HAWLEY, of Oregon, is chairman of that committee. He is recognized in the House as the speaking-soul of Andrew Mellon, head of the Morgan-Mellon group of international bankers, which organization had much to do with making a Christmas present of \$10,000,000,000 to the governments of Europe, which owed that vast money to Uncle Sam. Soldier organizations in every State in the Union have recently been petitioning Chairman HAWLEY to permit the Patman bill to be considered. The demand upon HAWLEY for action became so great that he could not stand the gaff, and so 10 days ago he mysteriously left Washington, and returned only this morning.

One of the big subjects for discussion in Washington this morning is the mysterious absence of Chairman HAWLEY and his mysterious return to the city. Nobody knows where he was concealed during his absence and nobody knows for sure what brought him back. However, I am inclined to believe that one of the agitating influences which causes the Mellonite statesman to return to Washington was the action of a group of ex-soldiers of all wars here in Washington announcing a plan to solicit from their own membership enough dollars to offer a big money reward for discovery of the hiding place of HAWLEY.

The desperate efforts of the Mellonites to defeat legislation in behalf of the soldier boys reminds me of the desperate efforts of the Burlington & Union Pacific Railroad politicians to defeat legislation in the Nebraska Legislature for regulation of railroads. It happened at a time when Nebraska had a Populist legislature. One of the recognized Populist leaders in the senate fell under the evil influence of the railroad lobby. If he should be absent from the State senate when the vote on the railroad bill should be taken, it would fail of a majority. He dared not be present and vote against the bill, because he had pledged his home people that he would vote for it, and he knew what would happen to him if he should return home after having violated his pledge. He never did return home. The night before the fatal vote was to be taken on the railroad bill he was smuggled into a Burlington Railroad engine, deposited on the coal in the engine tender, and his body covered with a tarpaulin. In that situation he was rushed down to Omaha and across the river to Council Bluffs. His absence from the senate next day defeated the railroad bill which the Populists so much desired to pass. What became of

the betraying Populist senator after he reached Council Bluffs has never been fully explained, but in later years it was reported that he had established a residence in Oregon.

The friends of legislation which seeks to give the same cash adjustment of service to the soldier boys which the Government gave to munition contractors during the war days, and even to contractors for Missouri mules, are making a determined fight against the machinations of the Mellonite administration leaders; and I am beginning to believe that the leaders are becoming frightened—so badly frightened that they may be induced to let the House have a chance to vote on this legislation. I sincerely hope so. An American soldier boy who contracted to give his body, and even his life if need be, to our Government during the war days seems to me ought to be entitled to have his compensation adjusted in the same manner, and in cash, as the compensation of the mule contractors was adjusted.

Immediately this morning following return from his secret hiding place, Chairman HAWLEY called a meeting of the Committee on Ways and Means—not to consider the bills to pay soldier certificates in cash. Not much. The special object of the meeting was to report legislation demanded by Andrew Mellon to enable him to increase the public debt, if in his judgment it should be necessary. The demand of Mellon was quickly granted by the committee. Immediately JOHN GARNER, of Texas, moved that the committee begin consideration of several bills on the subject of payment in cash of the adjusted certificates held by the ex-service men. Did his motion prevail? Not much. Chairman HAWLEY would not allow GARNER to make such a motion. GARNER appealed from the decision of the chairman. The ruling of the chairman was sustained. Every Mellonite on the committee voted to sustain the chairman in refusing to even entertain a motion to consider the soldier bills. Every anti-Mellonite on the committee voted with GARNER to immediately consider the bill. This action by HAWLEY and his fellow Mellonites ought to convince the world where the opposition to this good legislation lies.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. CHASE (at the request of Mr. MAPES), indefinitely, on account of illness.

Mr. FENN, indefinitely, on account of illness.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and under the rule referred as follows:

S. 4750. An act to authorize alterations and repairs to certain naval vessels; to the Committee on Naval Affairs.

#### SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 3895. An act to authorize the Commissioners of the District of Columbia to widen Wisconsin Avenue abutting squares 1299, 1300, and 1935; and

S. 5036. An act to extend the time for completing the construction of a bridge across the Delaware River near Trenton, N. J.

#### ADJOURNMENT

Mr. ACKERMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Wednesday, January 21, 1931, at 12 o'clock noon.

#### COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, January 21, 1931, as reported to the floor leader by clerks of the several committees:

#### COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To provide that the United States shall cooperate with the States in promoting the general health of the rural population of the United States and the welfare and hygiene of mothers and children. (H. R. 12995.)

For the promotion of the health and welfare of mothers, and infants. (S. 255.)

#### COMMITTEE ON APPROPRIATIONS

(2 p. m.)

District of Columbia appropriation bill.

Navy Department appropriation bill.



## COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To consider farm loan drought bills.

## COMMITTEE ON MILITARY AFFAIRS (SUBCOMMITTEE)

(10.30 a. m.)

To authorize the Secretary of War to lease Governors Island, Mass., to the city of Boston, Mass., and for other purposes. (H. R. 14043.)

## COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

Private bills.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HALE: Committee on Naval Affairs. H. R. 14680. A bill to authorize the attendance of the Marine Band at the Spanish-American War veterans' convention at New Orleans; with amendment (Rept. No. 2311). Referred to the Committee of the Whole House on the state of the Union.

Mr. WOODRUFF: Committee on Naval Affairs. H. R. 14817. A bill authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Utah State Capitol Museum, of Salt Lake City, Utah, the silver service in use on the U. S. S. *Utah*; with amendment (Rept. No. 2312). Referred to the Committee of the Whole House on the state of the Union.

Mr. SWING: Committee on the Public Lands. H. R. 11969. A bill to authorize the withdrawal of certain public lands from entry under the homestead and desert land laws of the United States for the protection of the watershed supplying water to the city of Los Angeles, Calif.; with amendment (Rept. No. 2313). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on the Public Lands. H. R. 13587. A bill to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak."; with amendment (Rept. No. 2314). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on the Public Lands. H. R. 16116. A bill to adjust the boundaries and for the addition of certain lands to the Bryce Canyon National Park, Utah, and for other purposes; with amendment (Rept. No. 2315). Referred to the Committee of the Whole House on the state of the Union.

Mr. SIMMS: Committee on the Public Lands. H. R. 10576. A bill to authorize exchange of lands with owners of private land holdings within the Chaco Canyon National Monument, N. Mex.; with amendment (Rept. No. 2317). Referred to the Committee of the Whole House on the state of the Union.

Mr. ARENTZ: Committee on the Public Lands. H. R. 15258. A bill to permit the development of certain valuable mineral resources in certain lands of the United States; with amendment (Rept. No. 2318). Referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FITZGERALD: Committee on Claims. H. R. 6700. A bill for the restitution of employees of the post office at Detroit, Mich.; with amendment (Rept. No. 2308). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 12822. A bill for the relief of the Seward City Mills (Inc.); without amendment (Rept. No. 2309). Referred to the Committee of the Whole House.

Mr. RAMSPECK: Committee on Claims. H. R. 15535. A bill for the relief of the estate of White B. Miller; without

amendment (Rept. No. 2310). Referred to the Committee of the Whole House.

## CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 16309) granting a pension to Lillie J. Goens; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 1040) granting a pension to Ross C. Ramsay; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CAMPBELL of Pennsylvania: A bill (H. R. 16382) to provide for the issuing of postage stamps in commemoration of the two hundredth anniversary of the birth of George Washington; to the Committee on the Post Offices and Post Roads.

By Mr. DOWELL: A bill (H. R. 16383) to authorize appropriations for construction at Fort Des Moines, Iowa, and for other purposes; to the Committee on Military Affairs.

By Mr. GRAHAM: A bill (H. R. 16384) to provide for the advance planning and regulated construction of public works, for the stabilization of industry, and for aiding in the prevention of unemployment during periods of business depression; to the Committee on the Judiciary.

By Mr. LUDLOW: A bill (H. R. 16385) to amend the act entitled "An act to amend the World War veterans' act, 1924, as amended," approved July 3, 1930; to the Committee on World War Veterans' Legislation.

By Mr. MAAS: A bill (H. R. 16386) to provide that first-class postmasters shall not continue in office more than one year after the expiration of their terms of office if not reappointed; to the Committee on the Post Offices and Post Roads.

By Mr. HOPE: A bill (H. R. 16387) to require the marking of imported petroleum and petroleum products and the manufactured products thereof made in the United States; to the Committee on Ways and Means.

By Mr. JAMES of Michigan (at the request of the War Department): A bill (H. R. 16388) to authorize the exchange of rights of way, the transfer of lands, and the closing and opening of certain streets in the District of Columbia; to the Committee on Military Affairs.

By Mr. SINCLAIR: A bill (H. R. 16389) to amend section 2 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended; to the Committee on the Judiciary.

By Mr. HALL of Mississippi: A bill (H. R. 16390) to amend section 22 of the Federal reserve act; to the Committee on Banking and Currency.

By Mr. FREE: Joint resolution (H. J. Res. 473) further restricting for a period of two years immigration into the United States; to the Committee on Immigration and Naturalization.

By Mr. TEMPLE: Joint resolution (H. J. Res. 474) to authorize an appropriation for the expenses of the sixteenth session of the International Geological Congress, to be held in the United States in 1932; to the Committee on Foreign Affairs.

By Mr. BEERS: Concurrent resolution (H. Con. Res. 46) to provide for the printing of additional copies of House Document No. 722, Seventy-first Congress, being the message from the President of the United States transmitting a report on the enforcement of the prohibition laws of the United States; to the Committee on Printing.

By Mr. CLANCY: Resolution (H. Res. 343) that there be printed 1,000,000 copies of the Wickersham report as a public document; to the Committee on Printing.



## MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. FRENCH: Memorial of the State Legislature of the State of Idaho, memorializing the Congress of the United States to give careful consideration to the question of Indian lands in the various States which are not subject to taxation and to enact such legislation as will permit the United States Government to pay to the counties and States which include these lands the taxes that would ordinarily be assessed against the land; to the Committee on the Public Lands.

By Mr. HASTINGS: Memorial of the State Legislature of the State of Oklahoma, memorializing the Congress of the United States to require the Federal Farm Board to use the wheat now held by the board for the hungry, starving, and destitute men, women, and children of the United States; to the Committee on Agriculture.

Also, memorial of the State Legislature of the State of Oklahoma, memorializing the Congress of the United States to enact a tariff on oil and its refined products, and to provide further relief for the oil industry; to the Committee on Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWMAN: A bill (H. R. 16391) granting an increase of pension to Susan E. Allen; to the Committee on Invalid Pensions.

By Mr. CABLE: A bill (H. R. 16392) granting a pension to James A. Franklin; to the Committee on Invalid Pensions.

By Mr. COOKE: A bill (H. R. 16393) granting a pension to Dorothy D. Grabenstatter; to the Committee on Pensions.

By Mr. COX: A bill (H. R. 16394) for the relief of M. Brown and S. H. Brown for losses sustained on schooner *Ninnetta M. Porcella*; to the Committee on Claims.

By Mr. FITZGERALD: A bill (H. R. 16395) granting an increase of pension to Moses Goldstein; to the Committee on Pensions.

By Mr. GREGORY: A bill (H. R. 16396) granting a pension to Mary Jones; to the Committee on Invalid Pensions.

By Mr. GOLDER: A bill (H. R. 16397) granting a pension to Leonard J. Levi; to the Committee on Pensions.

By Mr. HESS: A bill (H. R. 16398) granting a pension to Estella Miller; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 16399) granting an increase of pension to Perlle R. Chambers; to the Committee on Pensions.

By Mr. KOPP: A bill (H. R. 16400) granting a pension to Lydia J. Barton; to the Committee on Invalid Pensions.

By Mr. KVALE: A bill (H. R. 16401) for the relief of Edward P. Hayes; to the Committee on Military Affairs.

By Mr. LUDLOW: A bill (H. R. 16402) granting a pension to Anna Brock; to the Committee on Invalid Pensions.

By Mr. McSWAIN: A bill (H. R. 16403) for the relief of Frank Ephriam Morgan; to the Committee on Naval Affairs.

By Mr. MENGES: A bill (H. R. 16404) granting a pension to Edgar F. Heidler; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 16405) granting a pension to Earl Funk; to the Committee on Pensions.

By Mr. MOUSER: A bill (H. R. 16406) granting an increase of pension to Henry Brown; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 16407) granting an increase of pension to Mary S. Fankhouser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16408) granting an increase of pension to Callie A. Gibson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16409) granting an increase of pension to Susannah Duvall; to the Committee on Invalid Pensions.

By Mr. HENRY T. RAINEY: A bill (H. R. 16410) granting an increase of pension to Tabitha Rader; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 16411) granting a pension to Emma Foote Price; to the Committee on Pensions.

By Mr. SWING: A bill (H. R. 16412) granting an increase of pension to Lucille E. Hanigan; to the Committee on Pensions.

By Mr. THURSTON: A bill (H. R. 16413) granting an increase of pension to Comfort M. Polen; to the Committee on Invalid Pensions.

By Mr. WOLVERTON of New Jersey: A bill (H. R. 16414) granting an increase of pension to Sarah G. Black; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8716. By Mr. BACON: Petition of legislative committee, Local No. 53, United Brotherhood of Carpenters and Joiners of America, White Plains, N. Y., protesting against the importation of any goods that may be manufactured wholly or in part by convict labor; to the Committee on Ways and Means.

8717. Also, petition of sundry residents of Long Island, urging enactment of bill prohibiting employment of dogs for vivisection purposes in District of Columbia; to the Committee on the District of Columbia.

8718. Also, petition of sundry residents of Long Island, urging enactment of bill prohibiting employment of dogs for vivisection purposes in District of Columbia; to the Committee on the District of Columbia.

8719. By Mr. BECK: Petition of Wilon Jackson, commander Lieutenant W. E. Shipp Post, No. 42, Veterans of Foreign Wars, and 526 others, residents of Philadelphia, in support of any bill or bills pertaining to the relief of World War veterans for the immediate payment in full of the matured value of Government bonus insurance now held by said veterans; to the Committee on Ways and Means.

8720. By Mr. BLOOM: Petition of residents of New York State, urging the passage of House bill 7884, providing for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

8721. By Mr. BOYLAN: Resolution submitted by the Federation for the Support of Jewish Philanthropic Societies of New York City, urging the passage of Senate bill 3059 on unemployment and Senate bill 3060 entitled "Employment Service"; to the Committee on the Judiciary.

8722. Also, resolution adopted by the United Brotherhood of Carpenters and Joiners of America, Local Union No. 53, of White Plains, N. Y., urging the Treasury Department to enforce section 307 of the tariff act of 1930; to the Committee on Ways and Means.

8723. By Mr. BRUNNER: Petition of 35 citizens of Rosedale and Laurelton, Long Island, N. Y., urging immediate action of Congress of payment either in full or in part of adjusted-compensation certificates; to the Committee on Ways and Means.

8724. By Mr. CABLE: Petition of World War veterans of Spencerville, Ohio, requesting either (1) immediate payment of adjusted-service certificates at full face value, or (2) immediate payment of adjusted-service certificates at not less than 65 per cent of their face value, in either case the holder to have the option of immediate payment or holding certificate to maturity; to the Committee on Ways and Means.

8725. Also, petition expressing the belief of the signatories that the Senate should ratify the World Court treaties before the adjournment of Congress, March 4, 1931; to the Committee on Foreign Affairs.

8726. By Mr. CLARKE of New York: Petition of members of the Woman's Christian Temperance Union of Endicott, N. Y., urging Congress to enact a law for the Federal supervision of motion pictures, establishing higher standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

8727. By Mr. COLE: Petition of Mrs. T. T. Barrett and 74 others, residents of Cedar Rapids and Center Point, in Linn County, Iowa, favoring the passage of House bill 7884, a bill for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.



8728. By Mr. CULLEN: Petition of Carpenters' Local Union, No. 53, of White Plains, N. Y., protesting against the importation of any goods that may be manufactured wholly or in part by convict labor, and urging the Congress to prevail upon the Department of the Treasury to enforce section 307 of the tariff act of 1930; to the Committee on Ways and Means.

8729. Also, petition of the Fleet Reserve Association, Branch No. 2, Brooklyn, N. Y., asking the Congress to pass House bill 3493 at this session of Congress as a means to eliminate the misery and suffering among the veterans and their loved ones; to the Committee on Ways and Means.

8730. By Mr. GARBER of Oklahoma: Petition of Otto G. Abbott Post, No. 165, of the American Legion, Newkirk, Okla., in support of full payment of adjusted-compensation certificates; to the Committee on Ways and Means.

8731. By Mr. MAAS: Resolution by the Dayton Bluff Post, No. 515, American Legion, Department of Minnesota, recommending the redemption of the adjusted-service certificates at their full face value; to the Committee on Ways and Means.

8732. By Mr. GARBER of Oklahoma: Petition of Beaver Post, No. 149, American Legion, Beaver, Okla., in support of full payment of adjusted-compensation certificates; to the Committee on Ways and Means.

8733. Also, petition of Chautauqua Reading Club, Enid, Okla., in support of House bill 9986; to the Committee on Interstate and Foreign Commerce.

8734. Also, petition of Charles E. McPherrren, brigadier general, National Guard, Oklahoma City, Okla., in support of House bill 12918; to the Committee on Military Affairs.

8735. Also, petition of Buffalo Chamber of Commerce, Buffalo, Okla., indorsing abandonment of proration of oil, and levying of adequate tariff on importation of oil and by-products; to the Committee on Ways and Means.

8736. By Mr. JAMES of North Carolina: Petition signed by 91 members of Hamlet Post, No. 45, American Legion, North Carolina, urging that legislation be enacted by Congress providing for the immediate payment, at face value, of adjusted-service certificates of veterans of the World War; to the Committee on Ways and Means.

8737. By Mr. LOZIER: Petition of 75 citizens of Spickard, Galt, Harris, and other near-by cities in Missouri, urging the enactment of certain legislation authorizing the Treasury to pay the full face value in cash of the adjusted-compensation certificates; to the Committee on Ways and Means.

8738. By Mr. O'CONNOR of New York: Resolution of sundry citizens of the city of New York in support of House bill 7884; to the Committee on the District of Columbia.

8739. By Mr. PRALL: Petition received from A. L. Owen, secretary legislative committee, Local No. 53, United Brotherhood of Carpenters and Joiners of America, White Plains, N. Y., protesting against goods or other products made by convict labor; to the Committee on Ways and Means.

8740. Also, petition of citizens of the eleventh congressional district, New York, actively interested in the passage of House bill 7884, a bill for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

8741. By Mr. SANDERS of Texas: Petition of members of American Legion, Woodrow Wilson Post, No. 399, San Antonio, Tex., urging the cash payment of adjusted-service certificates; to the Committee on Ways and Means.

8742. By Mr. SELVIG: Petition of 42 members of the Fertile, Minn., Post of the American Legion, favoring enactment of legislation providing for payment of adjusted-service certificates; to the Committee on Ways and Means.

8743. Also, petition of department adjutant, American Legion, of Minnesota, favoring redemption of the adjusted-service certificates at their full face value; to the Committee on Ways and Means.

8744. Also, petition of the American Legion Post of Clearbrook, Minn., urging redemption of the adjusted-service certificates at their full face value; to the Committee on Ways and Means.

8745. Also, petition of 22 veterans and other residents of Clearbrook, Minn., urging the enactment of bill providing for immediate payment of face value of the adjusted-service certificates; to the Committee on Ways and Means.

8746. Also, petition of 31 veterans and other residents of Clearbrook, Minn., urging the enactment of bill providing for immediate payment of face value of the adjusted-service certificates; to the Committee on Ways and Means.

8747. Also, petition of 25 veterans and other residents of Clearbrook, Minn., urging enactment of bill providing for payment of adjusted-compensation certificates to veterans; to the Committee on Ways and Means.

8748. By Mr. WATSON: Petition of residents of Montgomery County, Pa., favoring the passage of House bill 7884, prohibiting experiments on living dogs in the District of Columbia; to the Committee on the District of Columbia.

8749. By Mr. YATES: Petition of Lieut. Col. W. R. Matheny (Cook County) Chapter, Reserve Officers' Association, Chicago, Ill., urging that the \$90,000 be restored to the Army appropriation bill; to the Committee on Appropriations.

8750. Also, petition of H. F. Michel, 1025 North Parkside Avenue, Chicago, Ill., urging the passage of Senate bill 3969 and House bill 10821, vocational educational bills; to the Committee on Education.

8751. Also, petition of Dr. Clifford L. Sorver, superintendent Hall Township High and Vocational School, district No. 502, Spring Valley, Ill., urging the passage of Senate bill 3969 and House bill 10821; to the Committee on Education.

## SENATE

WEDNESDAY, JANUARY 21, 1931

Rev. James W. Morris, D. D., assistant rector, Church of the Epiphany, of the city of Washington, offered the following prayer:

Almighty God, who hast given all authority and power in heaven and earth to Thy blessed Son, thereby constituting Him author of the world's moral order and finisher of mankind's noblest and happiest destiny, grant that we may never, either as a nation or as simple Christians working at our various tasks, lose His abiding presence, promised to His people for all the days to the end, and fitting them, each in his place, to do their part toward bringing in the final kingdom of peace on earth and good will among men. We ask this through the Savior, Jesus Christ, our Lord. Amen.

### THE JOURNAL

The Chief Clerk proceeded to read the Journal of the calendar days of January 12 to January 20, inclusive, when, on request of Mr. FESS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	King	Shortridge
Barkley	Frazier	La Follette	Simmons
Bingham	George	McGill	Smith
Black	Glass	McKellar	Smoot
Blaine	Glenn	McMaster	Steiwer
Bratton	Goff	McNary	Stephens
Brook	Goldsborough	Metcalf	Thomas, Idaho
Brookhart	Gould	Morrison	Thomas, Okla.
Broussard	Hale	Morrow	Townsend
Bulkeley	Harris	Norbeck	Trammell
Capper	Harrison	Norris	Tydings
Caraway	Hastings	Nye	Vandenberg
Connally	Hatfield	Oddie	Wagner
Copeland	Hawes	Partridge	Walcott
Couzens	Hayden	Patterson	Walsh, Mass.
Cutting	Hebert	Phipps	Walsh, Mont.
Dale	Heflin	Pine	Waterman
Davis	Howell	Pittman	Watson
Deneen	Jones	Reed	Wheeler
Dill	Kendrick	Schall	Williamson
Fess	Keyes	Sheppard	